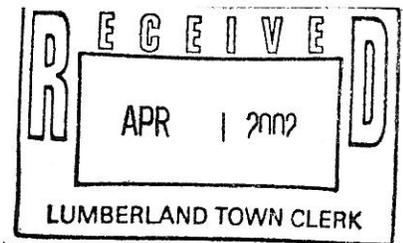


TOWN OF LUMBERLAND  
OFFICE OF THE ATTORNEY FOR THE TOWN



BRIAN T. EDWARDS, ESQ.  
13 LIBERTY STREET - P.O. DRAWER 1040  
MONTICELLO, NEW YORK 12701  
(845) 794-5000  
FAX (845) 794-5606

March 28, 2002

New York State Department of State  
State Records and Law Bureau  
162 Washington Avenue  
Albany, NY 12232

Re: Town of Lumberland (County of Sullivan)  
Local Law #1 for 2002

Dear Sir or Madam:

Please be advised that the undersigned is the attorney for the Town of Lumberland. Enclosed herewith please find one certified copy of Local Law #1 for the year 2002.

Should you require anything further from the undersigned relative to the filing of this Local Law, please do not hesitate to contact the undersigned.

Very truly yours,

DREW, DAVIDOFF & EDWARDS  
LAW OFFICES, LLP

By: Brian T. Edwards

BTE/pas  
3254-053  
Encls.

cc: Town of Lumberland (w/ encl.)  
Attn: Tina Bodnaruik, Town Clerk  
PO Box 417  
Glen Spey, NY 12737

via: Certified Mail - Return Receipt Requested

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~  
~~City~~ of Lumberland  
Town  
~~Village~~

Local Law No. 1 of the year 2002

A local law Changing Date of Grievance Day for filing of Real Property Tax  
(Insert Title) Complaints pursuant to RPTL Section 12 (1-A)

Be it enacted by the Town Board  
(Name of Legislative Body) of the

~~County~~  
~~City~~ of Lumberland  
Town  
~~Village~~ as follows:

**Section 2. Purpose and Intent**

The current Assessor for the Town of Lumberland is employed by another assessing unit for whom she has worked longer than the Town of Lumberland. Under these circumstances, she is unable to be present for the hearing of real property complaints on grievance day, which is provided for under RPTL Section 512(1-a) as being the fourth Tuesday in May.

RPTL Section 512(1-a) recognizes this situation and provides that the Town Board may establish a different grievance day which shall be no earlier than the fourth Tuesday in May and no later than the second Tuesday in June.

**Section 3. New Grievance Date**

In view of the foregoing, the Town Board hereby establishes the first Wednesday after the fourth Tuesday in May as the new Grievance Day for the Town of Lumberland pursuant to RPTL Section 512(1-a). The Board of Assessment Review shall continue to hear complaints regarding real property tax assessments for so many days thereafter as it deems necessary at times to be determined by said Board.

**Section 4. Term**

The term of this amendment shall be indefinite. This local shall remain in full force and effect until rescinded or superseded by subsequent local law.

**Section 5. Manner of Hearing Complaints and Procedure**

This change in date for grievance day shall not affect the manner of hearing complaints and procedures otherwise set forth in the Real Property Tax Law nor affect the prior procedures of the Board of Assessment Review consistent therewith.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2002 of the ~~(County)~~(City)(Town)(Village) of Lumberland was duly passed by the Town Board on 13<sup>th</sup> 2002, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body) (Elective Chief Executive Officer\*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body) (Elective Chief Executive Officer\*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body) (Elective Chief Executive Officer\*)

\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_, 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Christina Bednarek  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

Date: March 15, 2002

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Sullivan

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Brian J Edwards  
Signature

Attorney for the Town  
Title

~~XXXXXX~~  
~~XXXX~~  
Town of Lumberland  
~~XXXXXX~~

Date: 3/26/02

TOWN OF LUMBERLAND  
OFFICE OF THE ATTORNEY FOR THE TOWN

BRIAN T. EDWARDS, ESQ.  
13 LIBERTY STREET - P.O. DRAWER 1040  
MONTICELLO, NEW YORK 12701  
(845) 794-5000  
FAX (845) 794-5606

April 19, 2002

New York State Department of State  
State Records and Law Bureau  
162 Washington Avenue  
Albany, NY 12232

Re: Town of Lumberland (County of Sullivan)  
Local Law #2 for 2002

Dear Sir or Madam:

Please be advised that the undersigned is the attorney for the Town of Lumberland. Enclosed herewith please find one certified copy of Local Law #2 for the year 2002.

Should you require anything further from the undersigned relative to the filing of this Local Law, please do not hesitate to contact the undersigned.

Very truly yours,

DREW, DAVIDOFF & EDWARDS  
LAW OFFICES, LLP

By: Brian T. Edwards

BTE/pas  
3255-066  
Encls.

cc: Town of Lumberland (w/ encl.)  
Attn: Virginia, Town Clerk  
PO Box 417  
Glen Spey, NY 12737

via: Certified Mail - Return Receipt Requested

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~COUNTY~~  
~~CITY~~  
Town of Lumberland  
~~VILLAGE~~

Local Law No. 2 of the year 2002

A local law Campground Law  
(Insert Title)

Be it enacted by the Town Board  
(Name of Legislative Body) of the

~~COUNTY~~  
~~CITY~~  
Town of Lumberland  
~~VILLAGE~~ as follows:

See attached:

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2002 of the (County)(City)(Town)(Village) of Lumberland was duly passed by the Town Board on APRIL 10, 2002, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body) (Elective Chief Executive Officer\*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body) (Elective Chief Executive Officer\*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ -20\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body) (Elective Chief Executive Officer\*)

\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph  1 , above.

*Virginia V. Haro*

\_\_\_\_\_  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

Date: April 15, 2002

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Sullivan

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*Brian J. Edwards*  
\_\_\_\_\_  
Signature

Attorney for the Town  
\_\_\_\_\_  
Title

County \_\_\_\_\_  
City \_\_\_\_\_ of Lumberland  
Town \_\_\_\_\_  
Village \_\_\_\_\_

Date: 4/17/02

Town of Lumberland  
Sullivan County, New York

# **CAMPGROUND LAW**

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§ 1 - Purpose.

The purpose of this Law is to promote the health, safety and general welfare of Town of Lumberland inhabitants by establishing, pursuant to the authority granted the Town under Sections 130(21) and 136(11) of the New York State Town Law, requirements and regulations governing the use of structures and land for camping and related transient housing purposes. Also, the Town exercises its authority under Section 10 of the Municipal Home Rule Law to supersede the above referenced Sections of the Town Law so as to; 1) regulate not only house trailer and tourist camps but also, specifically, the operation and maintenance of campgrounds and recreational vehicle (RV) parks as a particular type of tourist camp, and 2) exceed the requirements of New York State and other sanitary codes in formulating these rules and regulations.

§ 2 - Definitions.

For the purpose of this Law, the following words, terms and phrases shall have the meaning ascribed to them in this section:

**Camping** - The use of a property as a site for sleeping outside, or; the parking of travel trailers or similar equipment, the erection of tents or other shelters, to serve as temporary housing.

**Campground or Recreational Vehicle ("RV") Park** - The development or use of a lot, tract or parcel of land for the purpose of providing a site for travel trailers, truck campers, camper trailers, motor homes, tents or other structures or vehicles for camping. "Campsites, "campgrounds" or "recreational vehicle parks," tent camping facilities and other similar facilities, regardless whether rights to occupy a campground lot are conveyed by lease, rent, sale or any other means, shall be included in this definition.

- A. **Transient Campgrounds or RV Parks** - Publicly operated facilities or businesses offering one(1) or more campground or RV park lots with or without the usual accessory recreational and service facilities, for use for tent camping and/or recreational vehicle camping by the public at large on a transient basis. Sites are rented on a daily or weekly basis or otherwise permitted by the owner to be used for camping on a temporary short-term basis.
- B. **Non-transient Campgrounds or RV Parks** - Planned private communities with recreational and service facilities, including central water and sewer facilities and usually a restaurant and/or bar, lounge, chapel and community hall, for use only by occupants of tent and/or recreational vehicle sites within the campground. Sites may be owned in common or may be owned individually by deed conveyance or may be leased on an annual, monthly or other seasonal basis.

**Campground Lot** - A lot or space within a campground or RV park used for tent camping or as a site for recreational vehicles; or an area of land otherwise offered by the developer or operator through sale, lease, rent, membership or any other means for camping purposes regardless whether or not done for pecuniary gain.

**Recreational Vehicle** - A vehicular unit or structure primarily designed as temporary housing for recreational camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper and motor home.

§ 3 - Licenses and fees.

- A. **License Requirement.** No person, partnership, association, limited liability or other company or corporation, being the owner, user, operator or occupant of any land within Town of Lumberland, shall use or allow the use of such land for a campground or RV park or any other form of camping regulated herein unless a license has been obtained as herein provided.
- B. **Issuance of license.**

- (1) The Town of Lumberland Code Enforcement Officer shall issue a license after approval of the Special Use permit application by the Planning Board pursuant to Town of Lumberland Zoning Law procedures. Said license shall be effective from the date of issuance until surrendered by the licensee or revoked by the Code Enforcement Officer.
- (2) No license shall be issued until the Code Enforcement Officer has received:
  - (a) A written application from the applicant.
  - (b) The required fee as herein provided.
  - (c) Approval of the application, plans and specifications by the New York State Department of Health or its successors, as may be required.
- (3) The license may be transferred to a new owner of a campground or RV park, provided;(a) that an application for transfer of the existing license is made; (b) the prospective new owner/operator documents that all of the requirements of this Law are met and (c) a public hearing shall have been conducted by the Planning Board. The Planning Board shall approve, disapprove or approve with conditions, all applications for transfer of licenses.
- (4) All licenses shall be valid for a period of one year from the date of issuance or until March 31, whichever is earlier in time, and renewed only on a finding by the Town Planning Board that the operation continues to comply with the requirements herein. The Planning Board shall approve, disapprove or approve with conditions any renewal, and may conduct a public hearing to help ascertain compliance with the requirements contained herein.

C. Supplemental license.

- (1) Any person holding a license for a campground or RV park who desires to add additional lots or spaces to such park shall file an application for a supplemental license.
- (2) The application for such supplemental license must be accompanied by four (4) sets of plans and specifications and shall be filed and processed as provided herein for new campgrounds or parks.

D. Expiration and Renewal of Licenses. All licenses issued hereunder shall be valid until March 31 of the following year prior to which time applicants shall request or apply for renewal of such licenses and the Town Code Enforcement Officer shall inspect the premises to ensure continued compliance with this Ordinance.

E. Fees. The applicant, for any new license, shall pay the Town a fee of \$100 plus \$5 per campsite. This fee may be modified from time to time by resolution of the Town Board and the same resolution may also specify fees for license transfers and related activities. Professional application review fees, other than legal fees, shall be the responsibility of the applicant.

**§ 4 - License application procedure.**

- A. Each application for a campground or RV park license shall be in writing and signed by the applicant.
- B. The application and plans and related information shall be filed with the Code Enforcement Officer in quadruplicate.
- C. The Code Enforcement Officer shall, within fifteen (15) days of the receipt thereof, transmit copies of the application and plans to the Town Planning Board, which shall review the application pursuant to the Special Use and Site Plan Review criteria of Town of Lumberland Zoning Law and thereafter approve, disapprove or approve with conditions.

D. The Code Enforcement Officer, within thirty (30) days of the filing of the Town Planning Board action, shall issue the license, provided that all other requirements of this Law are met.

5 - Application data.

A. Each application shall be accompanied by four (4) complete sets of plans which are prepared by a licensed land surveyor, engineer or other qualified person. Such plans shall also meet zoning requirements.

B. Each application shall contain the following information:

(1) The name and address of the applicant; or the name and address of each partner if the applicant is a partnership or the name and address of each officer and director if the application is an association or corporation.

(2) The description of the land that is proposed to be used as a campground or RV park,

(3) The number of lots to be provided in such campground or park.

(4) The names and addresses of the owners of the property on which the campground or RV park is to be located and a written statement signed by the owners consenting that the premises be used for a campground or RV park or presentation of a lease agreement, if one has been entered into by the applicant with the owner(s) of the property.

C. A location map shall be presented with the application which shows all land within three hundred (300) feet of the campground or RV park, the location of all streets and roads adjacent to and within the park, uses of adjacent land, the owners of adjacent land and the location of all water and sewer lines and utilities.

D. Proposed development. The application shall be accompanied by four (4) copies of a site plan showing the following:

(1) The location and widths of all entrances, exits and streets and all setbacks.

(2) The location, size and arrangement of each lot or camping space within the campground or RV park.

(3) The method and plan for electric lighting.

(4) The location and plan of all proposed structures and improvements.

(5) Plans for landscaping.

(6) Stormwater drainage.

(7) Utilities

(8) All other information required for zoning compliance.

E. Renewals and Transfers. Application data required for renewals and transfers shall be limited to information regarding ownership and management changes and operational records.

6 - Design and operational standards.

A. Allowed districts and minimum development area. Campgrounds and RV parks shall be permitted as Special Uses within the LD Lake and RD River Districts and these Districts only. A campground or RV park shall have a gross area of at least twenty-five (25) contiguous acres of land in single ownership or under unified control.

- B. Screening requirements. All campgrounds and RV parks shall provide and maintain a screening strip of planted natural materials along all property boundary lines. Such screening shall be a depth of not less than fifty (50) feet, to effectively screen the area within a reasonable time period [five (5) to ten (10) years]. A planting plan specifying types, size and location of existing and proposed plant materials shall be required and reviewed as part of the license application.
- C. Lot and siting requirements.
- (1) Non-transient RV park or campground developments and individual lots shall comply in every respect with the minimum residential lot sizes and other development standards applicable to single-family residences within the particular zoning district in which they are located.
  - (2) Transient RV park or campground lots shall be at least seventy-five (75) feet wide and five-thousand (5,000) square feet in area. Gross density, however, shall not exceed a total of four (4) lots per acre for the development. Frontages on cul-de-sac may be varied if the average width is maintained at fifty (50) feet.
  - (3) individual campground or RV park lots shall be separate from service building structures by a minimum distance of seventy-five (75) feet. Also, notwithstanding the requirements of Sub-section B above, no recreational vehicle or tent platforms shall be located closer than seventy-five (75) feet to the street right-of-way or any adjacent property line.
  - (4) no recreational vehicle or tent platform shall be located within fifteen (15) feet of a front or rear campground lot line, seven (7) feet of a side lot line or fifty (50) feet of any stream or body of water.
- D. Off street parking requirements. At least one (1) off-street parking space shall be provided for each site, in addition to the site for placement of the recreational vehicle or tent.
- E. Streets.
- (1) Non-transient campgrounds or RV parks. The residential street design standards contained in Town of Lumberland Subdivision Regulations shall apply to streets within non-transient campgrounds and RV parks.
  - (2) Transient campgrounds or RV parks. Transient recreational land development streets shall be cleared, graded and improved to a twelve (12) feet wide pavement (not including shoulders) for one-way traffic and twenty (20) feet wide pavement (not including shoulders) for two-way traffic. Otherwise all street design standards of the Town of Lumberland Subdivision Regulations shall be met, including standards for grades and cul-de-sac design so as to facilitate the access by firefighting equipment.
- F. Sewage facilities. No individual on-site sewage disposal facilities shall be permitted, and all community systems for the common use of campground occupants shall fully comply, as evidenced by approved plans, with standards imposed by the New York State Department of Health and Town of Lumberland. Such systems shall be designed by a Professional Engineer approved by the Town Engineer and meet New York State guidelines and standards for design of sewage disposal systems.
- G. Water supply. Potable water drinking supplies shall be provided within two-hundred-fifty (250) feet of each campground or RV park lot and be operational during any period of occupancy. All water supplies, hook-ups and associated facilities (e.g., showers sinks, fountains shall also comply with New York State Department of Health standards for travel vehicle parks and campsites.
- H. Location. A campground or RV park shall be so located that no entrance or exit from a park shall discharge traffic into a residential area exceeding one (1) dwelling per acre nor require movement

of traffic from the park through such an area to obtain access to a public highway. A minimum of one hundred fifty (150) feet of frontage on a State, County or Town highway shall be required.

- I. Common use areas. A minimum of fifty percent (50%) of the gross site area of the campground or RV park shall be set aside as open space or developed as common use areas for open and enclosed recreational facilities. No recreational vehicle site, street, right-of-way, cartway, storage area or utility site shall be counted as meeting this requirement.
- J. Entrances and exits. Entrances and exits to campgrounds or RV parks shall be designed for safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into or out of the park shall be through such entrances and exits the number of which shall be subject to Site Plan Review and may be limited by the Planning Board. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended, and the radii of curbs and pavements at intersections shall be such as to facilitate easy turning movement for vehicles with trailer attached. No intersection of an entrance and/or exit with a State, County or Town highway shall be located where less than five hundred (500) feet of sight distance exists in either direction along the State, County or Town highway, nor shall such intersection be located within one hundred (150) feet of any other intersection.
- K. Parking areas. In connection with the use of any campground or RV park, no parking, loading, or maneuvering incidental to parking or loading shall be permitted on any public street, sidewalk, required buffer, right-of-way or any public grounds, nor any private grounds not part of the campground or RV park unless the owner of such private land has given written permission for such use. Each campground or RV park operator shall provide off-street parking, loading and shall be responsible for violations of these requirements.
- L. Occupancy. Campground or RV park lots shall be used only for camping purposes. No improvement or living unit designed for permanent occupancy shall be erected or placed on any campground or RV park lot. The following occupancy standards shall also apply:
  - (1) All recreational vehicles in the development shall be maintained in a transportable condition at all times and meet all requirement which may be imposed by the State of New York. Any action toward removal of wheels or to attach the recreational vehicle to the ground for stabilization purposes is hereby prohibited.
  - (2) Moreover, no campground or RV park lot shall be occupied for more than six (6) consecutive months in any calendar year, and no campground or RV park lot shall be the primary and principal residence of the owner or any other occupant. Each campground or RV park lot is to be used and occupied (excepting for occasional guests) strictly for camping and recreational purposes and only by a single household.
  - (3) The Town Code Enforcement Officer may require any owner to remove a recreational vehicle from the campground for a period of seven (7) days, unless such owner can establish a prior removal or storage without occupancy within the immediately preceding six (6) months.
  - (4) These occupancy requirements shall be attached to each campground or RV park lot sale or membership by restrictive covenant.
  - (5) As mechanism to enforce these provisions, the Planning Board may, by resolution, require that all persons bringing a recreational vehicle into Town of Lumberland first obtain a permit of limited duration to do so, which permits shall be issued by the Town Code Enforcement Officer.
  - (6) The management of every campground or RV park shall be responsible for maintaining accurate records concerning the occupancy of all campground or RV park lots. The term "management" shall include associations of property owners when such are responsible for

maintenance and operation of common facilities. The Town Code Enforcement Officer shall have access to, and the right to inspect, records for evidence of permanent residency or lack thereof. The Town board and/or Code Enforcement Officer shall, in addition have the authority, when any provision of this Law is violated, to prohibit the occupancy of any and all campground or RV park lots in a recreational development until the owners and/or management provide evidence of compliance with these provisions.

- M. Sanitary Facilities. No owner or occupant of any campground or RV park lot or within such campground or RV park lot shall permit or allow the dumping or placement of any sanitary or other waste anywhere upon any campground or RV park lot or elsewhere within the development, except in places designated therefor. No outside toilets shall be erected or maintained on any campground or RV park lot. Plumbing fixtures within any recreational vehicles placed upon lots in the campground or RV park shall be connected to the sewage disposal system for the development. Sanitary facilities, including toilets, urinals and showers, shall be provided in separate buildings located not more than two-hundred-fifty (250) feet from each campground or RV park lot. All sanitary facilities shall also comply with New York State Department of Health Standards for travel vehicle parks and campsites.
- N. Fences. All property lines within the development shall be kept free and open; and no fences, except as may be required for screening around the perimeter of the development or public use facilities shall be permitted.
- O. Nuisances. No noxious or offensive activities or nuisances shall be permitted on any campground or RV park lot or anywhere within such developments. Such nuisances shall include, but not limited to: (1) uncontrolled fires or any burning which results in soot, cinders, smoke, noxious fumes, gases or unusual odors emanating beyond the property line of the development; and (2) any other activity causing health and safety problems for adjacent landowners or residents. Responsibility for meeting such requirements shall extend in all circumstances to individual occupants of campground or RV park lots as well as owners and operators.
- P. Animals. No animals shall be kept or maintained on any campground or RV park lot, except the usual household pets. Pets shall be kept confined and maintained on leashes pursuant to the Town Leash Law so as not to become a nuisance.
- Q. Garbage and refuse disposal. No person shall burn trash, garbage or other like refuse on any campground or RV park lot. All such refuse be placed and kept in airtight receptacles for the same, which shall be provided by the owners of the campground or RV park lots. No owner or occupant shall permit the accumulation of litter or refuse or junk vehicles on a campground or RV park lot and the Management Plan for the campground or RV park shall specify the arrangements for garbage and refuse disposal. Also, see sub-section W below.
- R. Camping accessories. Notwithstanding any provisions herein contained to the contrary picnic tables, benches, fireboxes or fireplaces and similar items of personal property may be placed on a campground or RV park lot.
- S. Ditches and swales. Each owner and renter shall keep drainage ditches and swales located on his campground or RV park lot free and unobstructed and in good repair and shall provide for the installation of such culverts upon his campground or RV park lot as may be reasonable required for proper drainage.
- T. Drilling and mining. No drilling, refining, quarrying or mining operation of any kind shall be permitted, nor shall drilling for water or digging of water wells be permitted on any individual campground or RV park lot.
- U. Accessories and Appurtenances. No permanent external appurtenances, such as carports, extra rooms, porches or other additions may be attached to any travel trailer or other recreational vehicle

parked in a campground or RV park. Absolutely no attachments or appurtenances will be permitted which do not meet fully with the requirements contained in the American National Standards Institute Publication A119.4 and the Federal Motor Vehicle Safety Standards. Accessory structures, including free standing decks, gazebos, platforms and non-electrified storage buildings of no more than one-hundred square feet in floor area, that comply with the New York State Uniform Fire Prevention and Building Code and do not interfere with the immediate removal of a recreational vehicle, shall be permitted subject to application being made to the Town Code Enforcement Officer.

- V. **Fire and Emergency Access.** Every campsite shall be accessible by fire and emergency equipment and shall be maintained in such condition, free of obstacles to access. All campgrounds and RV parks shall comply with Fire Safety requirements of the National Fire Protection Association Publication NFPA 501D for such uses. The Management Plan for the campground or RV park shall specify the arrangements for fire and emergency access. Also, see sub-section W below.
- W. **Covenants or Management Plan.** The operational standards contained in this section (§ 6 K through § 6 V) shall be incorporated in restrictive covenants attached to the deeds for lots in any nontransient campground or RV park. They shall, likewise, be made part of a management plan for any transient campground or RV park. Such covenants and/or plan shall be approved by the Planning board in its review of site development plans for the campground or RV park. The plan and/or covenants shall also provide the Town with the right to periodically inspect the development for continued compliance with Town requirements.
- X. **Noise Control.** All activities within campgrounds and RV parks shall comply fully with the Town of Lumberland Noise Law and not exceed 65 decibels at the property line for any continuous period of fifteen (15) minutes or more in length. A sound of such nature shall be considered continuous if repeated at successive intervals over this period.

**§ 7 - Applicability to existing campgrounds and parks.**

- A. **Extensions.** The regulations of this Law shall fully apply to all extensions of existing campgrounds or RV parks, including increases in the number of lots or available spaces, even though no addition to total land area is involved.
- B. **Applicability of operational standards.** The operational standards of this Ordinance, (including but not limited to § 6 K through § 6 V) shall also apply to existing campgrounds and RV parks and such existing facilities shall, within six (6) months of the effective date of this Ordinance, comply with all the licensing, procedural and operational requirements contained herein.
- C. **Nothing herein shall authorize the application of any different standards on the basis of private covenants and restrictions.**

**§ 8 - Variances**

- A. **The Town of Lumberland Zoning Board of Appeals may, for good cause shown, authorize variations from the strict interpretation of the provisions of this Law insofar as design or development is concerned.**
- B. **Procedure for variance**
  - (1) **The owner of an existing campground or RV park may apply for a variance by filing an application with the Code Enforcement Officer, together with an application for a license, setting forth the reasons for the variance.**
  - (2) **The application for the variance shall be provided to Town of Lumberland Zoning Board of Appeals for a forty-five (45) day opportunity to review and comment. The Zoning Board of Appeals, after receiving the recommendations from the Town Code Enforcement Officer, shall have the authority to grant or deny the variance, which action shall be taken within ninety (90) days of the Code Enforcement Officer's receipt of the variance application.**

- (3) Variance criteria shall be as follows:
- (a) That there are special circumstances or conditions applying to the property that do not apply generally to property in the vicinity..
  - (b) That said circumstances or conditions are such that strict application of the provisions of this Law would deprive the applicant of reasonable use of the property.
  - (c) That the variance granted is the minimum relief to allow reasonable use fo the property.
  - (d) That the granting of such variance will not be materially detrimental to the public welfare or injurious to neighboring properties.

**§ 9 - Enforcement**

The Code Enforcement Officer shall enforce all fo the provisions of this Law and shall have the right at all reasonable times, to enter and inspect any campground or RV park or other premises used as campground or RV park lots or for the parking or place of recreational vehicles.

**§ 10 - Revocation of License.**

- A. If the Code Enforcement Officer finds that a campground or RV park for which a license has been issued is not being maintained in a clean and sanitary condition or is not being operated in accordance with the provision of this Law, he may service personally or by certified mail upon the holder of the license a written order within ten (10) days after service of such order.
- B. If the holder of such license shall refuse or fail to correct the condition or conditions specified in such order, the Code Enforcement Officer may revoke such license and the holder of the license shall thereupon immediately terminate the operation of such campground or RV park and held to be in violation of this law.
- C. However, if the owner or operator of such recreational vehicle park shall thereafter correct such conditions and bring the recreational vehicle park into compliance with this Law, such owner may then apply for issuance of a new license for such park, and if the application is approved and license is granted, the applicant shall pay to the Town the fee required by this Law without any credit for the fee paid for the license which was revoked.

**§ 11 - Penalties for offenses; additional remedies.**

- A. Any person, partnership, association or corporation who uses any property or allows property to be used in violation of any provision of this law shall be guilty of an offense against this Law and subject to a fine of not less than five-hundred dollars (\$500). When a violation of any of the provisions of this Law is continuous, each day or portion thereof shall constitute a separate and distinct violation.
- B. The Code Enforcement Officer may, after resolution of the Town Board authorizing such action and, in addition to the above-provided penalties, maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with this Law or to restrain by injunction the violation of this Law.
- C. The Code Enforcement Officer may also in the case of violations of the foregoing provisions by any campground or RV park lot occupant, regardless whether or not such campground or RV park has a current license, remove or cause to be removed all camping facilities and persons associated with such activity. This shall include tents, vehicles, recreational vehicles, personal equipment and other goods. Such person or persons shall also be guilty of a violation and be punished as provided in Section A. The Code Enforcement Officer shall provide any violator who is not a repeat violator with

a warning and order to immediately cease and desist in the violating activity and upon failure of the violator to do so shall institute the actions provided above. He may enter onto the grounds of any property for purposes of determining compliance.

**§ 12 - Exceptions**

None of the provisions of this Law shall be applicable to the following:

- A. The business of recreational vehicle sales.
- B. The storage of recreational vehicle not being used on premises occupied as the principal residence by the owner of such recreational vehicle, provided, however, that such unoccupied recreational vehicle shall not be parked or located between the street line and the front building line of such premises.
- C. Camping by the owner on his or her own property provided a permit of no more than 2 weeks in consecutive days has been issued by the Code Enforcement Officer pursuant to this law, appropriate sanitary facilities and/or sewage disposal systems are in place to serve the unit and the lot on which the unit is to be placed is a minimum of fifty (50) feet in width. The Code Enforcement Officer shall develop and enforce a permit system which shall be applicable to all such camping. No permit, however, shall be required for tent camping by owners in the rear or side yard of any residence for a single night. No two-week permit for the same trailer shall be reissued during any given calendar year on more than 4 occasions and never consecutively. The Code Enforcement Officer may grant temporary exceptions for periodic short-term family and other events.

**§ 13 - Severability; nonwaiver.**

- A. If any section, paragraph, subsection or provision of this Law shall be found invalid, such invalidity shall apply to the section, paragraph, subsection, or provision adjudged invalid and the remainder of the Law shall remain valid and effective.
- B. The issuance of any permit or license pursuant to the provisions of this Law shall not be deemed to waive compliance by the holder thereof, by the property owner or by any occupant of any court or campground or RV park, with any statute, law or health regulation of the State or Town of Lumberland or with any provision of this Law.

**§ 14 - Effective date**

This law shall be effective immediately.

§ 1 - Purpose.

The purpose of this Law is to promote the health, safety and general welfare of Town of Lumberland inhabitants by establishing, pursuant to the authority granted the Town under Sections 130(21) and 136(11) of the New York State Town Law, requirements and regulations governing the use of structures and land for camping and related transient housing purposes. Also, the Town exercises its authority under Section 10 of the Municipal Home Rule Law to supersede the above referenced Sections of the Town Law so as to; 1) regulate not only house trailer and tourist camps but also, specifically, the operation and maintenance of campgrounds and recreational vehicle (RV) parks as a particular type of tourist camp, and 2) exceed the requirements of New York State and other sanitary codes in formulating these rules and regulations.

§ 2 - Definitions.

For the purpose of this Law, the following words, terms and phrases shall have the meaning ascribed to them in this section:

**Camping** - The use of a property as a site for sleeping outside, or; the parking of travel trailers or similar equipment, the erection of tents or other shelters, to serve as temporary housing.

**Campground or Recreational Vehicle ("RV") Park** - The development or use of a lot, tract or parcel of land for the purpose of providing a site for travel trailers, truck campers, camper trailers, motor homes, tents or other structures or vehicles for camping. "Campsites, "campgrounds" or "recreational vehicle parks," tent camping facilities and other similar facilities, regardless whether rights to occupy a campground lot are conveyed by lease, rent, sale or any other means, shall be included in this definition.

- A. **Transient Campgrounds or RV Parks** - Publicly operated facilities or businesses offering one(1) or more campground or RV park lots with or without the usual accessory recreational and service facilities, for use for tent camping and/or recreational vehicle camping by the public at large on a transient basis. Sites are rented on a daily or weekly basis or otherwise permitted by the owner to be used for camping on a temporary short-term basis.
- B. **Non-transient Campgrounds or RV Parks** - Planned private communities with recreational and service facilities, including central water and sewer facilities and usually a restaurant and/or bar, lounge, chapel and community hall, for use only by occupants of tent and/or recreational vehicle sites within the campground. Sites may be owned in common or may be owned individually by deed conveyance or may be leased on an annual, monthly or other seasonal basis.

**Campground Lot** - A lot or space within a campground or RV park used for tent camping or as a site for recreational vehicles; or an area of land otherwise offered by the developer or operator through sale, lease, rent, membership or any other means for camping purposes regardless whether or not done for pecuniary gain.

**Recreational Vehicle** - A vehicular unit or structure primarily designed as temporary housing for recreational camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper and motor home.

§ 3 - Licenses and fees.

- A. **License Requirement.** No person, partnership, association, limited liability or other company or corporation, being the owner, user, operator or occupant of any land within Town of Lumberland, shall use or allow the use of such land for a campground or RV park or any other form of camping regulated herein unless a license has been obtained as herein provided.

- B. **Issuance of license.**

D. The Code Enforcement Officer, within thirty (30) days of the filing of the Town Planning Board action, shall issue the license, provided that all other requirements of this Law are met.

5 - Application data.

A. Each application shall be accompanied by four (4) complete sets of plans which are prepared by a licensed land surveyor, engineer or other qualified person. Such plans shall also meet zoning requirements.

B. Each application shall contain the following information:

(1) The name and address of the applicant; or the name and address of each partner if the applicant is a partnership or the name and address of each officer and director if the application is an association or corporation.

(2) The description of the land that is proposed to be used as a campground or RV park,

(3) The number of lots to be provided in such campground or park.

(4) The names and addresses of the owners of the property on which the campground or RV park is to be located and a written statement signed by the owners consenting that the premises be used for a campground or RV park or presentation of a lease agreement, if one has been entered into by the applicant with the owner(s) of the property.

C. A location map shall be presented with the application which shows all land within three hundred (300) feet of the campground or RV park, the location of all streets and roads adjacent to and within the park, uses of adjacent land, the owners of adjacent land and the location of all water and sewer lines and utilities.

D. Proposed development. The application shall be accompanied by four (4) copies of a site plan showing the following:

(1) The location and widths of all entrances, exits and streets and all setbacks.

(2) The location, size and arrangement of each lot or camping space within the campground or RV park.

(3) The method and plan for electric lighting.

(4) The location and plan of all proposed structures and improvements.

(5) Plans for landscaping.

(6) Stormwater drainage.

(7) Utilities

(8) All other information required for zoning compliance.

E. Renewals and Transfers. Application data required for renewals and transfers shall be limited to information regarding ownership and management changes and operational records.

6 - Design and operational standards.

A. Allowed districts and minimum development area. Campgrounds and RV parks shall be permitted as Special Uses within the LD Lake and RD River Districts and these Districts only. A campground or RV park shall have a gross area of at least twenty-five (25) contiguous acres of land in single ownership or under unified control.

of traffic from the park through such an area to obtain access to a public highway. A minimum of one hundred fifty (150) feet of frontage on a State, County or Town highway shall be required.

- I. Common use areas. A minimum of fifty percent (50%) of the gross site area of the campground or RV park shall be set aside as open space or developed as common use areas for open and enclosed recreational facilities. No recreational vehicle site, street, right-of-way, cartway, storage area or utility site shall be counted as meeting this requirement.
- J. Entrances and exits. Entrances and exits to campgrounds or RV parks shall be designed for safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into or out of the park shall be through such entrances and exits the number of which shall be subject to Site Plan Review and may be limited by the Planning Board. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended, and the radii of curbs and pavements at intersections shall be such as to facilitate easy turning movement for vehicles with trailer attached. No intersection of an entrance and/or exit with a State, County or Town highway shall be located where less than five hundred (500) feet of sight distance exists in either direction along the State, County or Town highway, nor shall such intersection be located within one hundred (150) feet of any other intersection.
- K. Parking areas. In connection with the use of any campground or RV park, no parking, loading, or maneuvering incidental to parking or loading shall be permitted on any public street, sidewalk, required buffer, right-of-way or any public grounds, nor any private grounds not part of the campground or RV park unless the owner of such private land has given written permission for such use. Each campground or RV park operator shall provide off-street parking, loading and shall be responsible for violations of these requirements.
- L. Occupancy. Campground or RV park lots shall be used only for camping purposes. No improvement or living unit designed for permanent occupancy shall be erected or placed on any campground or RV park lot. The following occupancy standards shall also apply:
  - (1) All recreational vehicles in the development shall be maintained in a transportable condition at all times and meet all requirement which may be imposed by the State of New York. Any action toward removal of wheels or to attach the recreational vehicle to the ground for stabilization purposes is hereby prohibited.
  - (2) Moreover, no campground or RV park lot shall be occupied for more than six (6) consecutive months in any calendar year, and no campground or RV park lot shall be the primary and principal residence of the owner or any other occupant. Each campground or RV park lot is to be used and occupied (excepting for occasional guests) strictly for camping and recreational purposes and only by a single household.
  - (3) The Town Code Enforcement Officer may require any owner to remove a recreational vehicle from the campground for a period of seven (7) days, unless such owner can establish a prior removal or storage without occupancy within the immediately preceding six (6) months.
  - (4) These occupancy requirements shall be attached to each campground or RV park lot sale or membership by restrictive covenant.
  - (5) As mechanism to enforce these provisions, the Planning Board may, by resolution, require that all persons bringing a recreational vehicle into Town of Lumberland first obtain a permit of limited duration to do so, which permits shall be issued by the Town Code Enforcement Officer.
  - (6) The management of every campground or RV park shall be responsible for maintaining accurate records concerning the occupancy of all campground or RV park lots. The term "management" shall include associations of property owners when such are responsible for

## Eligibility Requirements for Part B

To be eligible for the 2002 55/25 Benefit an employee must:

1. Be a member of the New York State and Local Employees' Retirement System.
2. Be at least age 55 on the effective date of retirement with at least 25 years of service credit, or otherwise eligible to retire.
3. Be on the payroll of the participating employer as of February 1, 2002 and continue in active service to the first day of the employer's open period.

**NOTE:** A leave of absence with pay will be considered active service. Approved leave without pay, not to exceed 12 weeks, between February 1, 2002 and the commencement date of the designated open period will also be considered active service:

a. Members who are paid on a daily or hourly basis must be receiving salary for the payroll period that includes February 1, 2002, and must continue in a consistent pattern of continuous part-time employment to the first day of the employer's open period.

b. Members serving in the National Guard or Reserve Units will be considered to be in active service for the purpose of determining their eligibility for the incentive.

c. Members whose employment has not been terminated and who are receiving payments from Workers' Compensation or other employer-funded disability benefits will be considered to be in active service for the purpose of qualifying for the incentive.

4. File an application (RS 6037-U) for service retirement with the New York State and Local Employees' Retirement System with a retirement date during the open period, no less than 14 days and no more than 90 days before the effective date of retirement.
5. Retire during the open period.

## Participation Exclusions

Individuals serving in the following positions are specifically excluded from eligibility for the incentive benefit:

- Elected officials;
- Appointed members of agencies, boards or commissions of participating employers any of whose members are appointed by the Governor, or another State officer or body;
- Chief Administrative Officers of participating employers that participate in a teachers' retirement system;
- Acting village justices and judges or justices appointed to or serving in a court of record.

Filing of the local law must be accompanied by an affidavit specifying if employees are eligible for a separate, employer-provided incentive through a collective bargaining agreement or by any other arrangement with their employer and if the employer will allow their employees to collect both benefits. The affidavit must also indicate the payment option selected by the employer. Enclosed is a sample Local Law form and the affidavit.

#### Incentive Cost

At the conclusion of the program, the Retirement System will calculate the cost for each employer that participated in this incentive. Payment for Chapter 69 will be either in one lump sum or in five annual installments with the first payment due December 15, 2003. The estimated annual cost may be determined by multiplying the appropriate rate by the annual salary of those anticipated to retire. That figure should then be multiplied by five to determine the total five-year cost. The estimated rates are as follows:

Retirement Plan	Rate
75-g, 75-h, 75-i	0.17
70, 71-a, 75-c, 75-e	0.12
Article 14, Article 15	0.10
89-a, 89-b, 89-d through 89-r	0.25

#### **AGE 55/25-YEAR RETIREMENT BENEFIT (PART B)**

Part B of this legislation mandates that each employer offer a 90 day period during which Tier 2, 3 & 4 members who are at least age 55 and have 25 or more years of service may retire without benefit reduction. For employers required to act by local law the 90 day period is designated in the legislation to begin on July 3, 2002 and end on September 30, 2002. No formal adoption is necessary.

All employees who meet the age and service requirements and retire during the open period are eligible for this benefit unless the chief executive officer or the governing board of the participating employer makes a determination that the employee holds a position that is deemed critical to the maintenance of public health and safety. If you intend to deny an employee this benefit you must notify us in writing prior to July 3, 2002. The individual denied may request a review of your decision under Article 78 of the Civil Practice Law and Rules. If your list is not received by July 3, 2002 no one eligible for this benefit will be denied.

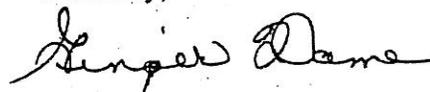
Under separate cover we are sending an estimated listing of all your eligible employees (if any) based on our records as of March 31, 2002 that have 25 years of service credit and are 55 years of age as of September 30, 2002. **The information used to produce the list has not been verified. Some eligible employees may not have been included on the list.** Please note that ineligible employees, such as members who are elected officials, judges or senior officials may have been included. Please review your records and our list to identify all ineligible employees.

The cost of this benefit will be paid by all employers. It is estimated that this program will add less than .1% of annual salary to your annual billing.

#### Additional Information and/or Forms

Detailed eligibility requirements are enclosed. To receive additional information regarding the 2002 Retirement Incentive Programs provided by Chapter 69 and/or forms required for filing, please contact Robert M. Rhubin, Assistant Director, Member & Employer Services Bureau at (518) 474-0167.

Sincerely,



Ginger Dame, Director  
Member & Employer Services Bureau

§ 1 - Purpose.

The purpose of this Law is to promote the health, safety and general welfare of Town of Lumberland inhabitants by establishing, pursuant to the authority granted the Town under Sections 130(21) and 136(11) of the New York State Town Law, requirements and regulations governing the use of structures and land for camping and related transient housing purposes. Also, the Town exercises its authority under Section 10 of the Municipal Home Rule Law to supersede the above referenced Sections of the Town Law so as to; 1) regulate not only house trailer and tourist camps but also, specifically, the operation and maintenance of campgrounds and recreational vehicle (RV) parks as a particular type of tourist camp, and 2) exceed the requirements of New York State and other sanitary codes in formulating these rules and regulations.

§ 2 - Definitions.

For the purpose of this Law, the following words, terms and phrases shall have the meaning ascribed to them in this section:

**Camping** - The use of a property as a site for sleeping outside, or; the parking of travel trailers or similar equipment, the erection of tents or other shelters, to serve as temporary housing.

**Campground or Recreational Vehicle ("RV") Park** - The development or use of a lot, tract or parcel of land for the purpose of providing a site for travel trailers, truck campers, camper trailers, motor homes, tents or other structures or vehicles for camping. "Campsites, "campgrounds" or "recreational vehicle parks," tent camping facilities and other similar facilities, regardless whether rights to occupy a campground lot are conveyed by lease, rent, sale or any other means, shall be included in this definition.

A. **Transient Campgrounds or RV Parks** - Publicly operated facilities or businesses offering one(1) or more campground or RV park lots with or without the usual accessory recreational and service facilities, for use for tent camping and/or recreational vehicle camping by the public at large on a transient basis. Sites are rented on a daily or weekly basis or otherwise permitted by the owner to be used for camping on a temporary short-term basis.

B. **Non-transient Campgrounds or RV Parks** - Planned private communities with recreational and service facilities, including central water and sewer facilities and usually a restaurant and/or bar, lounge, chapel and community hall, for use only by occupants of tent and/or recreational vehicle sites within the campground. Sites may be owned in common or may be owned individually by deed conveyance or may be leased on an annual, monthly or other seasonal basis.

**Campground Lot** - A lot or space within a campground or RV park used for tent camping or as a site for recreational vehicles; or an area of land otherwise offered by the developer or operator through sale, lease, rent, membership or any other means for camping purposes regardless whether or not done for pecuniary gain.

**Recreational Vehicle** - A vehicular unit or structure primarily designed as temporary housing for recreational camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper and motor home.

§ 3 - Licenses and fees.

A. **License Requirement.** No person, partnership, association, limited liability or other company or corporation, being the owner, user, operator or occupant of any land within Town of Lumberland, shall use or allow the use of such land for a campground or RV park or any other form of camping regulated herein unless a license has been obtained as herein provided.

B. **Issuance of license.**

- (1) The Town of Lumberland Code Enforcement Officer shall issue a license after approval of the Special Use permit application by the Planning Board pursuant to Town of Lumberland Zoning Law procedures. Said license shall be effective from the date of issuance until surrendered by the licensee or revoked by the Code Enforcement Officer.
- (2) No license shall be issued until the Code Enforcement Officer has received:
  - (a) A written application from the applicant.
  - (b) The required fee as herein provided.
  - (c) Approval of the application, plans and specifications by the New York State Department of Health or its successors, as may be required.
- (3) The license may be transferred to a new owner of a campground or RV park, provided;(a) that an application for transfer of the existing license is made; (b) the prospective new owner/operator documents that all of the requirements of this Law are met and (c) a public hearing shall have been conducted by the Planning Board. The Planning Board shall approve, disapprove or approve with conditions, all applications for transfer of licenses.
- (4) All licenses shall be valid for a period of one year from the date of issuance or until March 31, whichever is earlier in time, and renewed only on a finding by the Town Planning Board that the operation continues to comply with the requirements herein. The Planning Board shall approve, disapprove or approve with conditions any renewal, and may conduct a public hearing to help ascertain compliance with the requirements contained herein.

C. Supplemental license.

- (1) Any person holding a license for a campground or RV park who desires to add additional lots or spaces to such park shall file an application for a supplemental license.
- (2) The application for such supplemental license must be accompanied by four (4) sets of plans and specifications and shall be filed and processed as provided herein for new campgrounds or parks.

D. Expiration and Renewal of Licenses. All licenses issued hereunder shall be valid until March 31 of the following year prior to which time applicants shall request or apply for renewal of such licenses and the Town Code Enforcement Officer shall inspect the premises to ensure continued compliance with this Ordinance.

E. Fees. The applicant, for any new license, shall pay the Town a fee of \$100 plus \$5 per campsite. This fee may be modified from time to time by resolution of the Town Board and the same resolution may also specify fees for license transfers and related activities. Professional application review fees, other than legal fees, shall be the responsibility of the applicant.

**§ 4 - License application procedure.**

- A. Each application for a campground or RV park license shall be in writing and signed by the applicant.
- B. The application and plans and related information shall be filed with the Code Enforcement Officer in quadruplicate.
- C. The Code Enforcement Officer shall, within fifteen (15) days of the receipt thereof, transmit copies of the application and plans to the Town Planning Board, which shall review the application pursuant to the Special Use and Site Plan Review criteria of Town of Lumberland Zoning Law and thereafter approve, disapprove or approve with conditions.

- D. The Code Enforcement Officer, within thirty (30) days of the filing of the Town Planning Board action, shall issue the license, provided that all other requirements of this Law are met.
- 5 - Application data.
- A. Each application shall be accompanied by four (4) complete sets of plans which are prepared by a licensed land surveyor, engineer or other qualified person. Such plans shall also meet zoning requirements.
- B. Each application shall contain the following information:
- (1) The name and address of the applicant; or the name and address of each partner if the applicant is a partnership or the name and address of each officer and director if the application is an association or corporation.
  - (2) The description of the land that is proposed to be used as a campground or RV park,
  - (3) The number of lots to be provided in such campground or park.
  - (4) The names and addresses of the owners of the property on which the campground or RV park is to be located and a written statement signed by the owners consenting that the premises be used for a campground or RV park or presentation of a lease agreement, if one has been entered into by the applicant with the owner(s) of the property.
- C. A location map shall be presented with the application which shows all land within three hundred (300) feet of the campground or RV park, the location of all streets and roads adjacent to and within the park, uses of adjacent land, the owners of adjacent land and the location of all water and sewer lines and utilities.
- D. Proposed development. The application shall be accompanied by four (4) copies of a site plan showing the following:
- (1) The location and widths of all entrances, exits and streets and all setbacks.
  - (2) The location, size and arrangement of each lot or camping space within the campground or RV park.
  - (3) The method and plan for electric lighting.
  - (4) The location and plan of all proposed structures and improvements.
  - (5) Plans for landscaping.
  - (6) Stormwater drainage.
  - (7) Utilities
  - (8) All other information required for zoning compliance.
- E. Renewals and Transfers. Application data required for renewals and transfers shall be limited to information regarding ownership and management changes and operational records.
- 6 - Design and operational standards.
- A. Allowed districts and minimum development area. Campgrounds and RV parks shall be permitted as Special Uses within the LD Lake and RD River Districts and these Districts only. A campground or RV park shall have a gross area of at least twenty-five (25) contiguous acres of land in single ownership or under unified control.

- B. Screening requirements. All campgrounds and RV parks shall provide and maintain a screening strip of planted natural materials along all property boundary lines. Such screening shall be a depth of not less than fifty (50) feet, to effectively screen the area within a reasonable time period [five (5) to ten (10) years]. A planting plan specifying types, size and location of existing and proposed plant materials shall be required and reviewed as part of the license application.
- C. Lot and siting requirements.
- (1) Non-transient RV park or campground developments and individual lots shall comply in every respect with the minimum residential lot sizes and other development standards applicable to single-family residences within the particular zoning district in which they are located.
  - (2) Transient RV park or campground lots shall be at least seventy-five (75) feet wide and five-thousand (5,000) square feet in area. Gross density, however, shall not exceed a total of four (4) lots per acre for the development. Frontages on cul-de-sac may be varied if the average width is maintained at fifty (50) feet.
  - (3) individual campground or RV park lots shall be separate from service building structures by a minimum distance of seventy-five (75) feet. Also, notwithstanding the requirements of Sub-section B above, no recreational vehicle or tent platforms shall be located closer than seventy-five (75) feet to the street right-of-way or any adjacent property line.
  - (4) no recreational vehicle or tent platform shall be located within fifteen (15) feet of a front or rear campground lot line, seven (7) feet of a side lot line or fifty (50) feet of any stream or body of water.
- D. Off street parking requirements. At least one (1) off-street parking space shall be provided for each site, in addition to the site for placement of the recreational vehicle or tent.
- E. Streets.
- (1) Non-transient campgrounds or RV parks. The residential street design standards contained in Town of Lumberland Subdivision Regulations shall apply to streets within non-transient campgrounds and RV parks.
  - (2) Transient campgrounds or RV parks. Transient recreational land development streets shall be cleared, graded and improved to a twelve (12) feet wide pavement (not including shoulders) for one-way traffic and twenty (20) feet wide pavement (not including shoulders) for two-way traffic. Otherwise all street design standards of the Town of Lumberland Subdivision Regulations shall be met, including standards for grades and cul-de-sac design so as to facilitate the access by firefighting equipment.
- F. Sewage facilities. No individual on-site sewage disposal facilities shall be permitted, and all community systems for the common use of campground occupants shall fully comply, as evidenced by approved plans, with standards imposed by the New York State Department of Health and Town of Lumberland. Such systems shall be designed by a Professional Engineer approved by the Town Engineer and meet New York State guidelines and standards for design of sewage disposal systems.
- G. Water supply. Potable water drinking supplies shall be provided within two-hundred-fifty (250) feet of each campground or RV park lot and be operational during any period of occupancy. All water supplies, hook-ups and associated facilities (e.g., showers sinks, fountains shall also comply with New York State Department of Health standards for travel vehicle parks and campsites.
- H. Location. A campground or RV park shall be so located that no entrance or exit from a park shall discharge traffic into a residential area exceeding one (1) dwelling per acre nor require movement

of traffic from the park through such an area to obtain access to a public highway. A minimum of one hundred fifty (150) feet of frontage on a State, County or Town highway shall be required.

- I. Common use areas. A minimum of fifty percent (50%) of the gross site area of the campground or RV park shall be set aside as open space or developed as common use areas for open and enclosed recreational facilities. No recreational vehicle site, street, right-of-way, cartway, storage area or utility site shall be counted as meeting this requirement.
- J. Entrances and exits. Entrances and exits to campgrounds or RV parks shall be designed for safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into or out of the park shall be through such entrances and exits the number of which shall be subject to Site Plan Review and may be limited by the Planning Board. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended, and the radii of curbs and pavements at intersections shall be such as to facilitate easy turning movement for vehicles with trailer attached. No intersection of an entrance and/or exit with a State, County or Town highway shall be located where less than five hundred (500) feet of sight distance exists in either direction along the State, County or Town highway, nor shall such intersection be located within one hundred (150) feet of any other intersection.
- K. Parking areas. In connection with the use of any campground or RV park, no parking, loading, or maneuvering incidental to parking or loading shall be permitted on any public street, sidewalk, required buffer, right-of-way or any public grounds, nor any private grounds not part of the campground or RV park unless the owner of such private land has given written permission for such use. Each campground or RV park operator shall provide off-street parking, loading and shall be responsible for violations of these requirements.
- L. Occupancy. Campground or RV park lots shall be used only for camping purposes. No improvement or living unit designed for permanent occupancy shall be erected or placed on any campground or RV park lot. The following occupancy standards shall also apply:
  - (1) All recreational vehicles in the development shall be maintained in a transportable condition at all times and meet all requirement which may be imposed by the State of New York. Any action toward removal of wheels or to attach the recreational vehicle to the ground for stabilization purposes is hereby prohibited.
  - (2) Moreover, no campground or RV park lot shall be occupied for more than six (6) consecutive months in any calendar year, and no campground or RV park lot shall be the primary and principal residence of the owner or any other occupant. Each campground or RV park lot is to be used and occupied (excepting for occasional guests) strictly for camping and recreational purposes and only by a single household.
  - (3) The Town Code Enforcement Officer may require any owner to remove a recreational vehicle from the campground for a period of seven (7) days, unless such owner can establish a prior removal or storage without occupancy within the immediately preceding six (6) months.
  - (4) These occupancy requirements shall be attached to each campground or RV park lot sale or membership by restrictive covenant.
  - (5) As mechanism to enforce these provisions, the Planning Board may, by resolution, require that all persons bringing a recreational vehicle into Town of Lumberland first obtain a permit of limited duration to do so, which permits shall be issued by the Town Code Enforcement Officer.
  - (6) The management of every campground or RV park shall be responsible for maintaining accurate records concerning the occupancy of all campground or RV park lots. The term "management" shall include associations of property owners when such are responsible for

maintenance and operation of common facilities. The Town Code Enforcement Officer shall have access to, and the right to inspect, records for evidence of permanent residency or lack thereof. The Town board and/or Code Enforcement Officer shall, in addition have the authority, when any provision of this Law is violated, to prohibit the occupancy of any and all campground or RV park lots in a recreational development until the owners and/or management provide evidence of compliance with these provisions.

- M. Sanitary Facilities. No owner or occupant of any campground or RV park lot or within such campground or RV park lot shall permit or allow the dumping or placement of any sanitary or other waste anywhere upon any campground or RV park lot or elsewhere within the development, except in places designated therefor. No outside toilets shall be erected or maintained on any campground or RV park lot. Plumbing fixtures within any recreational vehicles placed upon lots in the campground or RV park shall be connected to the sewage disposal system for the development. Sanitary facilities, including toilets, urinals and showers, shall be provided in separate buildings located not more than tow-hundred-fifty (250) feet from each campground or RV park lot. All sanitary facilities shall also comply with New York State Department of Health Standards for travel vehicle parks and campsites.
- N. Fences. All property lines within the development shall be kept free and open; and no fences, except as may be required for screening around the perimeter of the development or public use facilities shall be permitted.
- O. Nuisances. No noxious or offensive activities or nuisances shall be permitted on ay campground or RV park lot or anywhere within such developments. Such nuisances shall include, but not limited to: (1) uncontrolled fires or any burning which results in soot, cinders, smoke, noxious fumes, gases or unusual odors emanating beyond the property line of the development; and (2) any other activity causing health and safty problems for adjacent landowners or residents. Responsibility for meeting such requirements shall extend in all circumstances to individual occupants of campground or RV park lots as well as owners and operators.
- P. Animals. No animals shall be kept or maintained on any campground or RV park lot, except the usual household pets. Pets shall be kept confined and maintained on leashes pursuant to the Town Leash Law so as not to become a nuisance.
- Q. Garbage and refuse disposal. No person shall burn trash, garbage or other like refuse on any campground or RV park lot. All such refuse be placed and kept in airtight receptacles for the same, which shall be provided by the owners of the campground or RV park lots. No owner or occupant shall permit the accumulation of litter or refuse or junk vehicles on a campground or RV park lot and the Management Plan for the campground or RV park shall specify the arrangements for garage and refuse disposal. Also, see sub-section W below.
- R. Camping accessories. Notwithstanding any provisions herein contained to the contrary picnic tables, benches, fireboxes or fireplaces and similar items of personal property may b placed on a campground or RV park lot.
- S. Ditches and swales. Each owner and renter shall keep drainage ditches and swales located on his campground or RV park lot free and unobstructed and in good repair and shall provide for the installation of such culverts upon his campground or RV park lot as may be reasonable required for proper drainage.
- T. Drilling and mining. No drilling, refining, quarrying or mining operation of any kind shall be permitted, nor shall drilling for water or digging of water wells be permitted on any individual campground or RV park lot.
- U. Accessories and Appurtenances. No permanent external appurtenances, such as carports, extra rooms, porches or other additions may be attached to any travel trailer or other recreational vehicle

parked in a campground or RV park. Absolutely no attachments or appurtenances will be permitted which do not meet fully with the requirements contained in the American National Standards Institute Publication A119.4 and the Federal Motor Vehicle Safety Standards. Accessory structures, including free standing decks, gazebos, platforms and non-electrified storage buildings of no more than one-hundred square feet in floor area, that comply with the New York State Uniform Fire Prevention and Building Code and do not interfere with the immediate removal of a recreational vehicle, shall be permitted subject to application being made to the Town Code Enforcement Officer.

V. **Fire and Emergency Access.** Every campsite shall be accessible by fire and emergency equipment and shall be maintained in such condition, free of obstacles to access. All campgrounds and RV parks shall comply with Fire Safety requirements of the National Fire Protection Association Publication NFPA 501D for such uses. The Management Plan for the campground or RV park shall specify the arrangements for fire and emergency access. Also, see sub-section W below.

W. **Covenants or Management Plan.** The operational standards contained in this section (§ 6 K through § 6 V) shall be incorporated in restrictive covenants attached to the deeds for lots in any nontransient campground or RV park. They shall, likewise, be made part of a management plan for any transient campground or RV park. Such covenants and/or plan shall be approved by the Planning board in its review of site development plans for the campground or RV park. The plan and/or covenants shall also provide the Town with the right to periodically inspect the development for continued compliance with Town requirements.

X. **Noise Control.** All activities within campgrounds and RV parks shall comply fully with the Town of Lumberland Noise Law and not exceed 65 decibels at the property line for any continuous period of fifteen (15) minutes or more in length. A sound of such nature shall be considered continuous if repeated at successive intervals over this period.

**§ 7 - Applicability to existing campgrounds and parks.**

A. **Extensions.** The regulations of this Law shall fully apply to all extensions of existing campgrounds or RV parks, including increases in the number of lots or available spaces, even though no addition to total land area is involved.

B. **Applicability of operational standards.** The operational standards of this Ordinance, (including but not limited to § 6 K through § 6 V) shall also apply to existing campgrounds and RV parks and such existing facilities shall, within six (6) months of the effective date of this Ordinance, comply with all the licensing, procedural and operational requirements contained herein.

C. **Nothing herein shall authorize the application of any different standards on the basis of private covenants and restrictions.**

**§ 8 - Variances**

A. **The Town of Lumberland Zoning Board of Appeals may, for good cause shown, authorize variations from the strict interpretation of the provisions of this Law insofar as design or development is concerned.**

B. **Procedure for variance**

(1) **The owner of an existing campground or RV park may apply for a variance by filing an application with the Code Enforcement Officer, together with an application for a license, setting forth the reasons for the variance.**

(2) **The application for the variance shall be provided to Town of Lumberland Zoning Board of Appeals for a forty-five (45) day opportunity to review and comment. The Zoning Board of Appeals, after receiving the recommendations from the Town Code Enforcement Officer, shall have the authority to grant or deny the variance, which action shall be taken within ninety (90) days of the Code Enforcement Officer's receipt of the variance application.**

- (3) Variance criteria shall be as follows:
- (a) That there are special circumstances or conditions applying to the property that do not apply generally to property in the vicinity..
  - (b) That said circumstances or conditions are such that strict application of the provisions of this Law would deprive the applicant of reasonable use of the property.
  - (c) That the variance granted is the minimum relief to allow reasonable use fo the property.
  - (d) That the granting of such variance will not be materially detrimental to the public welfare or injurious to neighboring properties.

**§ 9 - Enforcement**

The Code Enforcement Officer shall enforce all fo the provisions of this Law and shall have the right at all reasonable times, to enter and inspect any campground or RV park or other premises used as campground or RV park lots or for the parking or place of recreational vehicles.

**§ 10 - Revocation of License.**

- A. If the Code Enforcement Officer finds that a campground or RV park for which a license has been issued is not being maintained in a clean and sanitary condition or is not being operated in accordance with the provision of this Law, he may service personally or by certified mail upon the holder of the license a written order within ten (10) days after service of such order.
- B. If the holder of such license shall refuse or fail to correct the condition or conditions specified in such order, the Code Enforcement Officer may revoke such license and the holder of the license shall thereupon immediately terminate the operation of such campground or RV park and held to be in violation of this law.
- C. However, if the owner or operator of such recreational vehicle park shall thereafter correct such conditions and bring the recreational vehicle park into compliance with this Law, such owner may then apply for issuance of a new license for such park, and if the application is approved and license is granted, the applicant shall pay to the Town the fee required by this Law without any credit for the fee paid for the license which was revoked.

**§ 11 - Penalties for offenses; additional remedies.**

- A. Any person, partnership, association or corporation who uses any property or allows property to be used in violation of any provision of this law shall be guilty of an offense against this Law and subject to a fine of not less than five-hundred dollars (\$500). When a violation of any of the provisions of this Law is continuous, each day or portion thereof shall constitute a separate and distinct violation.
- B. The Code Enforcement Officer may, after resolution of the Town Board authorizing such action and, in addition to the above-provided penalties, maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with this Law or to restrain by injunction the violation of this Law.
- C. The Code Enforcement Officer may also in the case of violations of the foregoing provisions by any campground or RV park lot occupant, regardless whether or not such campground or RV park has a current license, remove or cause to be removed all camping facilities and persons associated with such activity. This shall include tents, vehicles, recreational vehicles, personal equipment and other goods. Such person or persons shall also be guilty of a violation and be punished as provided in Section A. The Code Enforcement Officer shall provide any violator who is not a repeat violator with

a warning and order to immediately cease and desist in the violating activity and upon failure of the violator to do so shall institute the actions provided above. He may enter onto the grounds of any property for purposes of determining compliance.

**§ 12 - Exceptions**

None of the provisions of this Law shall be applicable to the following:

- A. The business of recreational vehicle sales.
- B. The storage of recreational vehicle not being used on premises occupied as the principal residence by the owner of such recreational vehicle, provided, however, that such unoccupied recreational vehicle shall not be parked or located between the street line and the front building line of such premises.
- C. Camping by the owner on his or her own property provided a permit of no more than 2 weeks in consecutive days has been issued by the Code Enforcement Officer pursuant to this law, appropriate sanitary facilities and/or sewage disposal systems are in place to serve the unit and the lot on which the unit is to be placed is a minimum of fifty (50) feet in width. The Code Enforcement Officer shall develop and enforce a permit system which shall be applicable to all such camping. No permit, however, shall be required for tent camping by owners in the rear or side yard of any residence for a single night. No two-week permit for the same trailer shall be reissued during any given calendar year on more than 4 occasions and never consecutively. The Code Enforcement Officer may grant temporary exceptions for periodic short-term family and other events.

**§ 13 - Severability; nonwaiver.**

- A. If any section, paragraph, subsection or provision of this Law shall be found invalid, such invalidity shall apply to the section, paragraph, subsection, or provision adjudged invalid and the remainder of the Law shall remain valid and effective.
- B. The issuance of any permit or license pursuant to the provisions of this Law shall not be deemed to waive compliance by the holder thereof, by the property owner or by any occupant of any court or campground or RV park, with any statute, law or health regulation of the State or Town of Lumberland or with any provision of this Law.

**§ 14 - Effective date**

This law shall be effective immediately.

§ 1 - Purpose.

The purpose of this Law is to promote the health, safety and general welfare of Town of Lumberland inhabitants by establishing, pursuant to the authority granted the Town under Sections 130(21) and 136(11) of the New York State Town Law, requirements and regulations governing the use of structures and land for camping and related transient housing purposes. Also, the Town exercises its authority under Section 10 of the Municipal Home Rule Law to supersede the above referenced Sections of the Town Law so as to; 1) regulate not only house trailer and tourist camps but also, specifically, the operation and maintenance of campgrounds and recreational vehicle (RV) parks as a particular type of tourist camp, and 2) exceed the requirements of New York State and other sanitary codes in formulating these rules and regulations.

§ 2 - Definitions.

For the purpose of this Law, the following words, terms and phrases shall have the meaning ascribed to them in this section:

**Camping** - The use of a property as a site for sleeping outside, or; the parking of travel trailers or similar equipment, the erection of tents or other shelters, to serve as temporary housing.

**Campground or Recreational Vehicle ("RV") Park** - The development or use of a lot, tract or parcel of land for the purpose of providing a site for travel trailers, truck campers, camper trailers, motor homes, tents or other structures or vehicles for camping. "Campsites, "campgrounds" or "recreational vehicle parks," tent camping facilities and other similar facilities, regardless whether rights to occupy a campground lot are conveyed by lease, rent, sale or any other means, shall be included in this definition.

- A. **Transient Campgrounds or RV Parks** - Publicly operated facilities or businesses offering one(1) or more campground or RV park lots with or without the usual accessory recreational and service facilities, for use for tent camping and/or recreational vehicle camping by the public at large on a transient basis. Sites are rented on a daily or weekly basis or otherwise permitted by the owner to be used for camping on a temporary short-term basis.
- B. **Non-transient Campgrounds or RV Parks** - Planned private communities with recreational and service facilities, including central water and sewer facilities and usually a restaurant and/or bar, lounge, chapel and community hall, for use only by occupants of tent and/or recreational vehicle sites within the campground. Sites may be owned in common or may be owned individually by deed conveyance or may be leased on an annual, monthly or other seasonal basis.

**Campground Lot** - A lot or space within a campground or RV park used for tent camping or as a site for recreational vehicles; or an area of land otherwise offered by the developer or operator through sale, lease, rent, membership or any other means for camping purposes regardless whether or not done for pecuniary gain.

**Recreational Vehicle** - A vehicular unit or structure primarily designed as temporary housing for recreational camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper and motor home.

§ 3 - Licenses and fees.

- A. **License Requirement.** No person, partnership, association, limited liability or other company or corporation, being the owner, user, operator or occupant of any land within Town of Lumberland, shall use or allow the use of such land for a campground or RV park or any other form of camping regulated herein unless a license has been obtained as herein provided.

- B. **Issuance of license.**

- (1) The Town of Lumberland Code Enforcement Officer shall issue a license after approval of the Special Use permit application by the Planning Board pursuant to Town of Lumberland Zoning Law procedures. Said license shall be effective from the date of issuance until surrendered by the licensee or revoked by the Code Enforcement Officer.
- (2) No license shall be issued until the Code Enforcement Officer has received:
  - (a) A written application from the applicant.
  - (b) The required fee as herein provided.
  - (c) Approval of the application, plans and specifications by the New York State Department of Health or its successors, as may be required.
- (3) The license may be transferred to a new owner of a campground or RV park, provided;(a) that an application for transfer of the existing license is made; (b) the prospective new owner/operator documents that all of the requirements of this Law are met and (c) a public hearing shall have been conducted by the Planning Board. The Planning Board shall approve, disapprove or approve with conditions, all applications for transfer of licenses.
- (4) All licenses shall be valid for a period of one year from the date of issuance or until March 31, whichever is earlier in time, and renewed only on a finding by the Town Planning Board that the operation continues to comply with the requirements herein. The Planning Board shall approve, disapprove or approve with conditions any renewal, and may conduct a public hearing to help ascertain compliance with the requirements contained herein.

C. Supplemental license.

- (1) Any person holding a license for a campground or RV park who desires to add additional lots or spaces to such park shall file an application for a supplemental license.
- (2) The application for such supplemental license must be accompanied by four (4) sets of plans and specifications and shall be filed and processed as provided herein for new campgrounds or parks.

D. Expiration and Renewal of Licenses. All licenses issued hereunder shall be valid until March 31 of the following year prior to which time applicants shall request or apply for renewal of such licenses and the Town Code Enforcement Officer shall inspect the premises to ensure continued compliance with this Ordinance.

E. Fees. The applicant, for any new license, shall pay the Town a fee of \$100 plus \$5 per campsite. This fee may be modified from time to time by resolution of the Town Board and the same resolution may also specify fees for license transfers and related activities. Professional application review fees, other than legal fees, shall be the responsibility of the applicant.

**§ 4 - License application procedure.**

- A. Each application for a campground or RV park license shall be in writing and signed by the applicant.
- B. The application and plans and related information shall be filed with the Code Enforcement Officer in quadruplicate.
- C. The Code Enforcement Officer shall, within fifteen (15) days of the receipt thereof, transmit copies of the application and plans to the Town Planning Board, which shall review the application pursuant to the Special Use and Site Plan Review criteria of Town of Lumberland Zoning Law and thereafter approve, disapprove or approve with conditions.

- D. The Code Enforcement Officer, within thirty (30) days of the filing of the Town Planning Board action, shall issue the license, provided that all other requirements of this Law are met.
- 5 - Application data.
- A. Each application shall be accompanied by four (4) complete sets of plans which are prepared by a licensed land surveyor, engineer or other qualified person. Such plans shall also meet zoning requirements.
- B. Each application shall contain the following information:
- (1) The name and address of the applicant; or the name and address of each partner if the applicant is a partnership or the name and address of each officer and director if the application is an association or corporation.
  - (2) The description of the land that is proposed to be used as a campground or RV park,
  - (3) The number of lots to be provided in such campground or park.
  - (4) The names and addresses of the owners of the property on which the campground or RV park is to be located and a written statement signed by the owners consenting that the premises be used for a campground or RV park or presentation of a lease agreement, if one has been entered into by the applicant with the owner(s) of the property.
- C. A location map shall be presented with the application which shows all land within three hundred (300) feet of the campground or RV park, the location of all streets and roads adjacent to and within the park, uses of adjacent land, the owners of adjacent land and the location of all water and sewer lines and utilities.
- D. Proposed development. The application shall be accompanied by four (4) copies of a site plan showing the following:
- (1) The location and widths of all entrances, exits and streets and all setbacks.
  - (2) The location, size and arrangement of each lot or camping space within the campground or RV park.
  - (3) The method and plan for electric lighting.
  - (4) The location and plan of all proposed structures and improvements.
  - (5) Plans for landscaping.
  - (6) Stormwater drainage.
  - (7) Utilities
  - (8) All other information required for zoning compliance.
- E. Renewals and Transfers. Application data required for renewals and transfers shall be limited to information regarding ownership and management changes and operational records.
- 6 - Design and operational standards.
- A. Allowed districts and minimum development area. Campgrounds and RV parks shall be permitted as Special Uses within the LD Lake and RD River Districts and these Districts only. A campground or RV park shall have a gross area of at least twenty-five (25) contiguous acres of land in single ownership or under unified control.

- B. Screening requirements. All campgrounds and RV parks shall provide and maintain a screening strip of planted natural materials along all property boundary lines. Such screening shall be a depth of not less than fifty (50) feet, to effectively screen the area within a reasonable time period [five (5) to ten (10) years]. A planting plan specifying types, size and location of existing and proposed plant materials shall be required and reviewed as part of the license application.
- C. Lot and siting requirements.
- (1) Non-transient RV park or campground developments and individual lots shall comply in every respect with the minimum residential lot sizes and other development standards applicable to single-family residences within the particular zoning district in which they are located.
  - (2) Transient RV park or campground lots shall be at least seventy-five (75) feet wide and five-thousand (5,000) square feet in area. Gross density, however, shall not exceed a total of four (4) lots per acre for the development. Frontages on cul-de-sac may be varied if the average width is maintained at fifty (50) feet.
  - (3) individual campground or RV park lots shall be separate from service building structures by a minimum distance of seventy-five (75) feet. Also, notwithstanding the requirements of Sub-section B above, no recreational vehicle or tent platforms shall be located closer than seventy-five (75) feet to the street right-of-way or any adjacent property line.
  - (4) no recreational vehicle or tent platform shall be located within fifteen (15) feet of a front or rear campground lot line, seven (7) feet of a side lot line or fifty (50) feet of any stream or body of water.
- D. Off street parking requirements. At least one (1) off-street parking space shall be provided for each site, in addition to the site for placement of the recreational vehicle or tent.
- E. Streets.
- (1) Non-transient campgrounds or RV parks. The residential street design standards contained in Town of Lumberland Subdivision Regulations shall apply to streets within non-transient campgrounds and RV parks.
  - (2) Transient campgrounds or RV parks. Transient recreational land development streets shall be cleared, graded and improved to a twelve (12) feet wide pavement (not including shoulders) for one-way traffic and twenty (20) feet wide pavement (not including shoulders) for two-way traffic. Otherwise all street design standards of the Town of Lumberland Subdivision Regulations shall be met, including standards for grades and cul-de-sac design so as to facilitate the access by firefighting equipment.
- F. Sewage facilities. No individual on-site sewage disposal facilities shall be permitted, and all community systems for the common use of campground occupants shall fully comply, as evidenced by approved plans, with standards imposed by the New York State Department of Health and Town of Lumberland. Such systems shall be designed by a Professional Engineer approved by the Town Engineer and meet New York State guidelines and standards for design of sewage disposal systems.
- G. Water supply. Potable water drinking supplies shall be provided within two-hundred-fifty (250) feet of each campground or RV park lot and be operational during any period of occupancy. All water supplies, hook-ups and associated facilities (e.g., showers sinks, fountains shall also comply with New York State Department of Health standards for travel vehicle parks and campsites.
- H. Location. A campground or RV park shall be so located that no entrance or exit from a park shall discharge traffic into a residential area exceeding one (1) dwelling per acre nor require movement.

of traffic from the park through such an area to obtain access to a public highway. A minimum of one hundred fifty (150) feet of frontage on a State, County or Town highway shall be required.

- I. Common use areas. A minimum of fifty percent (50%) of the gross site area of the campground or RV park shall be set aside as open space or developed as common use areas for open and enclosed recreational facilities. No recreational vehicle site, street, right-of-way, cartway, storage area or utility site shall be counted as meeting this requirement.
- J. Entrances and exits. Entrances and exits to campgrounds or RV parks shall be designed for safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into or out of the park shall be through such entrances and exits the number of which shall be subject to Site Plan Review and may be limited by the Planning Board. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended, and the radii of curbs and pavements at intersections shall be such as to facilitate easy turning movement for vehicles with trailer attached. No intersection of an entrance and/or exit with a State, County or Town highway shall be located where less than five hundred (500) feet of sight distance exists in either direction along the State, County or Town highway, nor shall such intersection be located within one hundred (150) feet of any other intersection.
- K. Parking areas. In connection with the use of any campground or RV park, no parking, loading, or maneuvering incidental to parking or loading shall be permitted on any public street, sidewalk, required buffer, right-of-way or any public grounds, nor any private grounds not part of the campground or RV park unless the owner of such private land has given written permission for such use. Each campground or RV park operator shall provide off-street parking, loading and shall be responsible for violations of these requirements.
- L. Occupancy. Campground or RV park lots shall be used only for camping purposes. No improvement or living unit designed for permanent occupancy shall be erected or placed on any campground or RV park lot. The following occupancy standards shall also apply:
  - (1) All recreational vehicles in the development shall be maintained in a transportable condition at all times and meet all requirement which may be imposed by the State of New York. Any action toward removal of wheels or to attach the recreational vehicle to the ground for stabilization purposes is hereby prohibited.
  - (2) Moreover, no campground or RV park lot shall be occupied for more than six (6) consecutive months in any calendar year, and no campground or RV park lot shall be the primary and principal residence of the owner or any other occupant. Each campground or RV park lot is to be used and occupied (excepting for occasional guests) strictly for camping and recreational purposes and only by a single household.
  - (3) The Town Code Enforcement Officer may require any owner to remove a recreational vehicle from the campground for a period of seven (7) days, unless such owner can establish a prior removal or storage without occupancy within the immediately preceding six (6) months.
  - (4) These occupancy requirements shall be attached to each campground or RV park lot sale or membership by restrictive covenant.
  - (5) As mechanism to enforce these provisions, the Planning Board may, by resolution, require that all persons bringing a recreational vehicle into Town of Lumberland first obtain a permit of limited duration to do so, which permits shall be issued by the Town Code Enforcement Officer.
  - (6) The management of every campground or RV park shall be responsible for maintaining accurate records concerning the occupancy of all campground or RV park lots. The term "management" shall include associations of property owners when such are responsible for

maintenance and operation of common facilities. The Town Code Enforcement Officer shall have access to, and the right to inspect, records for evidence of permanent residency or lack thereof. The Town board and/or Code Enforcement Officer shall, in addition have the authority, when any provision of this Law is violated, to prohibit the occupancy of any and all campground or RV park lots in a recreational development until the owners and/or management provide evidence of compliance with these provisions.

- M. Sanitary Facilities. No owner or occupant of any campground or RV park lot or within such campground or RV park lot shall permit or allow the dumping or placement of any sanitary or other waste anywhere upon any campground or RV park lot or elsewhere within the development, except in places designated therefor. No outside toilets shall be erected or maintained on any campground or RV park lot. Plumbing fixtures within any recreational vehicles placed upon lots in the campground or RV park shall be connected to the sewage disposal system for the development. Sanitary facilities, including toilets, urinals and showers, shall be provided in separate buildings located not more than tow-hundred-fifty (250) feet from each campground or RV park lot. All sanitary facilities shall also comply with New York State Department of Health Standards for travel vehicle parks and campsites.
- N. Fences. All property lines within the development shall be kept free and open; and no fences, except as may be required for screening around the perimeter of the development or public use facilities shall be permitted.
- O. Nuisances. No noxious or offensive activities or nuisances shall be permitted on ay campground or RV park lot or anywhere within such developments. Such nuisances shall include, but not limited to: (1) uncontrolled fires or any burning which results in soot, cinders, smoke, noxious fumes, gases or unusual odors emanating beyond the property line of the development; and (2) any other activity causing health and safty problems for adjacent landowners or residents. Responsibility for meeting such requirements shall extend in all circumstances to individual occupants of campground or RV park lots as well as owners and operators.
- P. Animals. No animals shall be kept or maintained on any campground or RV park lot, except the usual household pets. Pets shall be kept confined and maintained on leashes pursuant to the Town Leash Law so as not to become a nuisance.
- Q. Garbage and refuse disposal. No person shall burn trash, garbage or other like refuse on any campground or RV park lot. All such refuse be placed and kept in airtight receptacles for the same, which shall be provided by the owners of the campground or RV park lots. No owner or occupant shall permit the accumulation of litter or refuse or junk vehicles on a campground or RV park lot and the Management Plan for the campground or RV park shall specify the arrangements for garage and refuse disposal. Also, see sub-section W below.
- R. Camping accessories. Notwithstanding any provisions herein contained to the contrary picnic tables, benches, fireboxes or fireplaces and similar items of personal property may b placed on a campground or RV park lot.
- S. Ditches and swales. Each owner and renter shall keep drainage ditches and swales located on his campground or RV park lot free and unobstructed and in good repair and shall provide for the installation of such culverts upon his campground or RV park lot as may be reasonable required for proper drainage.
- T. Drilling and mining. No drilling, refining, quarrying or mining operation of any kind shall be permitted, nor shall drilling for water or digging of water wells be permitted on any individual campground or RV park lot.
- U. Accessories and Appurtenances. No permanent external appurtenances, such as carports, extra rooms, porches or other additions may be attached to any travel trailer or other recreational vehicle

parked in a campground or RV park. Absolutely no attachments or appurtenances will be permitted which do meet fully with the requirements contained in the American National Standards Institute Publication A119.4 and the Federal Motor Vehicle Safety Standards. Accessory structures, including free standing decks, gazebos, platforms and non-electrified storage buildings of no more than one-hundred square feet in floor area, that comply with the New York State Uniform Fire Prevention and Building Code and do not interfere with the immediate removal of a recreational vehicle, shall be permitted subject to application being made to the Town Code Enforcement Officer.

- V. **Fire and Emergency Access.** Every campsite shall be accessible by fire and emergency equipment and shall be maintained in such condition, free of obstacles to access. All campgrounds and RV parks shall comply with Fire Safety requirements of the National Fire Protection Association Publication NFPA 501D for such uses. The Management Plan for the campground or RV park shall specify the arrangements for fire and emergency access. Also, see sub-section W below.
- W. **Covenants or Management Plan.** The operational standards contained in this section (§ 6 K through § 6 V) shall be incorporated in restrictive covenants attached to the deeds for lots in any nontransient campground or RV park. They shall, likewise, be made part of a management plan for any transient campground or RV park. Such covenants and/or plan shall be approved by the Planning board in its review of site development plans for the campground or RV park. The plan and/or covenants shall also provide the Town with the right to periodically inspect the development for continued compliance with Town requirements.
- X. **Noise Control.** All activities within campgrounds and RV parks shall comply fully with the Town of Lumberland Noise Law and not exceed 65 decibels at the property line for any continuous period of fifteen (15) minutes or more in length. A sound of such nature shall be considered continuous if repeated at successive intervals over this period.

**§ 7 - Applicability to existing campgrounds and parks.**

- A. **Extensions.** The regulations of this Law shall fully apply to all extensions of existing campgrounds or RV parks, including increases in the number of lots or available spaces, even though no addition to total land area is involved.
- B. **Applicability of operational standards.** The operational standards of this Ordinance, (including but not limited to § 6 K through § 6 V) shall also apply to existing campgrounds and RV parks and such existing facilities shall, within six (6) months of the effective date of this Ordinance, comply with all the licensing, procedural and operational requirements contained herein.
- C. **Nothing herein shall authorize the application of any different standards on the basis of private covenants and restrictions.**

**§ 8 - Variances**

- A. **The Town of Lumberland Zoning Board of Appeals may, for good cause shown, authorize variations from the strict interpretation of the provisions of this Law insofar as design or development is concerned.**
- B. **Procedure for variance**
  - (1) **The owner of an existing campground or RV park may apply for a variance by filing an application with the Code Enforcement Officer, together with an application for a license, setting forth the reasons for the variance.**
  - (2) **The application for the variance shall be provided to Town of Lumberland Zoning Board of Appeals for a forty-five (45) day opportunity to review and comment. The Zoning Board of Appeals, after receiving the recommendations from the Town Code Enforcement Officer, shall have the authority to grant or deny the variance, which action shall be taken within ninety (90) days of the Code Enforcement Officer's receipt of the variance application.**

- (3) Variance criteria shall be as follows:
- (a) That there are special circumstances or conditions applying to the property that do not apply generally to property in the vicinity..
  - (b) That said circumstances or conditions are such that strict application of the provisions of this Law would deprive the applicant of reasonable use of the property.
  - (c) That the variance granted is the minimum relief to allow reasonable use fo the property.
  - (d) That the granting of such variance will not be materially detrimental to the public welfare or injurious to neighboring properties.

**§ 9 - Enforcement**

The Code Enforcement Officer shall enforce all fo the provisions of this Law and shall have the right at all reasonable times, to enter and inspect any campground or RV park or other premises used as campground or RV park lots or for the parking or place of recreational vehicles.

**§ 10 - Revocation of License.**

- A. If the Code Enforcement Officer finds that a campground or RV park for which a license has been issued is not being maintained in a clean and sanitary condition or is not being operated in accordance with the provision of this Law, he may service personally or by certified mail upon the holder of the license a written order within ten (10) days after service of such order.
- B. If the holder of such license shall refuse or fail to correct the condition or conditions specified in such order, the Code Enforcement Officer may revoke such license and the holder of the license shall thereupon immediately terminate the operation of such campground or RV park and held to be in violation of this law.
- C. However, if the owner or operator of such recreational vehicle park shall thereafter correct such conditions and bring the recreational vehicle park into compliance with this Law, such owner may then apply for issuance of a new license for such park, and if the application is approved and license is granted, the applicant shall pay to the Town the fee required by this Law without any credit for the fee paid for the license which was revoked.

**§ 11 - Penalties for offenses; additional remedies.**

- A. Any person, partnership, association or corporation who uses any property or allows property to be used in violation of any provision of this law shall be guilty of an offense against this Law and subject to a fine of not less than five-hundred dollars (\$500). When a violation of any of the provisions of this Law is continuous, each day or portion thereof shall constitute a separate and distinct violation.
- B. The Code Enforcement Officer may, after resolution of the Town Board authorizing such action and, in addition to the above-provided penalties, maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with this Law or to restrain by injunction the violation of this Law.
- C. The Code Enforcement Officer may also in the case of violations of the foregoing provisions by any campground or RV park lot occupant, regardless whether or not such campground or RV park has a current license, remove or cause to be removed all camping facilities and persons associated with such activity. This shall include tents, vehicles, recreational vehicles, personal equipment and other goods. Such person or persons shall also be guilty of a violation and be punished as provided in Section A. The Code Enforcement Officer shall provide any violator who is not a repeat violator with

a warning and order to immediately cease and desist in the violating activity and upon failure of the violator to do so shall institute the actions provided above. He may enter onto the grounds of any property for purposes of determining compliance.

**§ 12 - Exceptions**

None of the provisions of this Law shall be applicable to the following:

- A. The business of recreational vehicle sales.
- B. The storage of recreational vehicle not being used on premises occupied as the principal residence by the owner of such recreational vehicle, provided, however, that such unoccupied recreational vehicle shall not be parked or located between the street line and the front building line of such premises.
- C. Camping by the owner on his or her own property provided a permit of no more than 2 weeks in consecutive days has been issued by the Code Enforcement Officer pursuant to this law, appropriate sanitary facilities and/or sewage disposal systems are in place to serve the unit and the lot on which the unit is to be placed is a minimum of fifty (50) feet in width. The Code Enforcement Officer shall develop and enforce a permit system which shall be applicable to all such camping. No permit, however, shall be required for tent camping by owners in the rear or side yard of any residence for a single night. No two-week permit for the same trailer shall be reissued during any given calendar year on more than 4 occasions and never consecutively. The Code Enforcement Officer may grant temporary exceptions for periodic short-term family and other events.

**§ 13 - Severability; nonwaiver.**

- A. If any section, paragraph, subsection or provision of this Law shall be found invalid, such invalidity shall apply to the section, paragraph, subsection, or provision adjudged invalid and the remainder of the Law shall remain valid and effective.
- B. The issuance of any permit or license pursuant to the provisions of this Law shall not be deemed to waive compliance by the holder thereof, by the property owner or by any occupant of any court or campground or RV park, with any statute, law or health regulation of the State or Town of Lumberland or with any provision of this Law.

**§ 14 - Effective date**

This law shall be effective immediately.

TOWN OF LUMBERLAND  
OFFICE OF THE ATTORNEY FOR THE TOWN

BRIAN T. EDWARDS, ESQ.  
13 LIBERTY STREET - P.O. DRAWER 1040  
MONTICELLO, NEW YORK 12701  
(845) 794-5000  
FAX (845) 794-5606

August 26, 2002

New York State Department of State  
State Records and Law Bureau  
162 Washington Avenue  
Albany, NY 12232

Re: Town of Lumberland (County of Sullivan)  
Local Law #3 for 2002

Dear Sir or Madam:

Please be advised that the undersigned is the attorney for the Town of Lumberland. Enclosed herewith please find one certified copy of Local Law #3 for the year 2002.

Should you require anything further from the undersigned relative to the filing of this Local Law, please do not hesitate to contact the undersigned.

Very truly yours,

DREW, DAVIDOFF & EDWARDS,  
LAW OFFICES, LLP

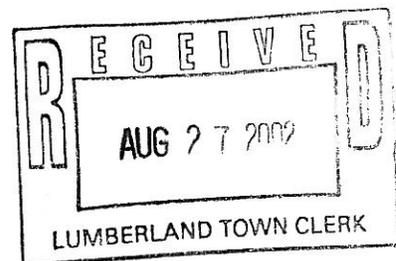
By: Brian T. Edwards

BTE/pas  
3262-054

Encls.

cc: Town of Lumberland (w/ encl.)  
Att.: Virginia Horn, Town Clerk  
PO Box 417  
Glen Spey, NY 12737

via: Certified Mail - Return Receipt Requested



(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  
City  
Town of .....Lumberland.....  
Village

Local Law No. ....#3..... of the year ~~2001~~ 2002..

A local law .....To Adopt 2002 Retirement Incentive Program.....  
(Insert title)

Be it enacted by the .....Town Board..... of the  
(Name of Legislative Body)

County  
City  
Town of .....Town of Lumberland..... as follows:  
Village

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. #3 of 2002 of the (County)(City)(Town)(Village) of Lumberland was duly passed by the Town Board on August 14 2002 in accordance with the applicable provisions of law.  
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body) (Elective Chief Executive Officer\*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body) (Elective Chief Executive Officer\*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body) (Elective Chief Executive Officer\*)

\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ the electors at the General Election of November \_\_\_\_\_, State of New York, having been submitted to the provisions of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

*Virginia V. Harris*  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

Date: August 14, 2002

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Sullivan

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature \_\_\_\_\_

Title \_\_\_\_\_

~~XXXX~~  
City of Lumberland  
~~XXXX~~  
~~XXXX~~



New York State and Local Retirement Systems  
Employees' Retirement System  
Police and Fire Retirement  
H. Carl McCall, State Comptroller

110 State Street, Albany, New York 12244  
Telephone: 518-474-0167 E-mail: mbr@nyslrs.osc.state.ny.us  
Fax: 518-474-8357 http://www.osc.state.ny.us

Mr John J Li Greci  
Supervisor  
Town Of Lumberland  
P O Box 5  
Glen Spey, NY 12737-0005

June 6, 2002

Dear Mr Li Greci:

Location Code: 30381

Chapter 69 of the Laws of 2002, effective May 20, 2002, establishes a temporary retirement incentive benefit (Part A) and an age 55/25 year temporary incentive benefit (Part B) for certain public employees.

#### **TARGETED INCENTIVE (PART A)**

Part A of this legislation permits employers that participate in the New York State and Local Employees' Retirement System to provide special retirement incentive benefits to certain members, if they so elect on or before September 3, 2002. A participating employer is required to achieve savings in offering the retirement incentive and shall make available its plan for achieving the savings.

#### Benefit Description

The 2002 Retirement Incentive Program provides eligible employees with an additional one-twelfth of a year of service for each year of retirement service credited as of the date of retirement. The maximum amount of additional retirement service credit that can be provided under this incentive program is three years.

#### The Open Period

Any employer that adopts the incentive under Chapter 69 must establish an "open period" during which eligible employees can retire and be entitled to incentive benefits. The open period must be no less than 30 days and no more than 90 days. Additionally, it cannot begin before May 20, 2002, and cannot extend beyond December 31, 2002.

#### Formal Adoption Procedures

Counties, cities, towns and villages must enact a local law in accordance with Municipal Home Rule Law, and the rules and regulations established by the New York State Department of State. The enactment must be completed no later than September 3, 2002. Local laws must be filed with the Department of State in accordance with its regulations.

Employers must file a certified copy of that local law (the original law must be filed with the Department of State) with the New York State and Local Employees' Retirement System.

Filing of the local law must be accompanied by an affidavit specifying if employees are eligible for a separate, employer-provided incentive through a collective bargaining agreement or by any other arrangement with their employer and if the employer will allow their employees to collect both benefits. The affidavit must also indicate the payment option selected by the employer. Enclosed is a sample Local Law form and the affidavit.

### Incentive Cost

At the conclusion of the program, the Retirement System will calculate the cost for each employer that participated in this incentive. Payment for Chapter 69 will be either in one lump sum or in five annual installments with the first payment due December 15, 2003. The estimated annual cost may be determined by multiplying the appropriate rate by the annual salary of those anticipated to retire. That figure should then be multiplied by five to determine the total five-year cost. The estimated rates are as follows:

Retirement Plan	Rate
75-g, 75-h, 75-i	0.17
70, 71-a, 75-c, 75-e	0.12
Article 14, Article 15	0.10
89-a, 89-b, 89-d through 89-r	0.25

### **AGE 55/25-YEAR RETIREMENT BENEFIT (PART B)**

Part B of this legislation mandates that each employer offer a 90 day period during which Tier 2, 3 & 4 members who are at least age 55 and have 25 or more years of service may retire without benefit reduction. For employers required to act by local law the 90 day period is designated in the legislation to begin on July 3, 2002 and end on September 30, 2002. No formal adoption is necessary.

All employees who meet the age and service requirements and retire during the open period are eligible for this benefit unless the chief executive officer or the governing board of the participating employer makes a determination that the employee holds a position that is deemed critical to the maintenance of public health and safety. If you intend to deny an employee this benefit you must notify us **in writing prior** to July 3, 2002. The individual denied may request a review of your decision under Article 78 of the Civil Practice Law and Rules. If your list is not received by July 3, 2002 no one eligible for this benefit will be denied.

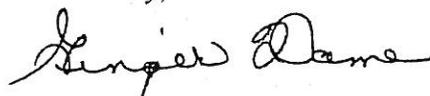
Under separate cover we are sending an estimated listing of all your eligible employees (if any) based on our records as of March 31, 2002 that have 25 years of service credit and are 55 years of age as of September 30, 2002. **The information used to produce the list has not been verified. Some eligible employees may not have been included on the list.** Please note that ineligible employees, such as members who are elected officials, judges or senior officials may have been included. Please review your records and our list to identify all ineligible employees.

The cost of this benefit will be paid by all employers. It is estimated that this program will add less than .1% of annual salary to your annual billing.

### Additional Information and/or Forms

Detailed eligibility requirements are enclosed. To receive additional information regarding the 2002 Retirement Incentive Programs provided by Chapter 69 and/or forms required for filing, please contact Robert M. Rhubin, Assistant Director, Member & Employer Services Bureau at (518) 474-0167.

Sincerely,



Ginger Dame, Director  
Member & Employer Services Bureau

## Eligibility Requirements for Part A

To be considered eligible for the 2002 Retirement Incentive Program, an employee must:

1. Be a member of the New York State and Local Employees' Retirement System.
2. Be in a position designated to be eligible by the employer.
3. Be at least age 50 on the effective date of retirement with at least 10 years of service credit, or at least age 55 with at least 5 years of service, not including incentive service, or otherwise eligible to retire.
4. Be on the payroll of the participating employer as of February 1, 2002 and continue in active service to the first day of the employer's open period.

**NOTE:** A leave of absence with pay will be considered active service. Approved leave without pay, not to exceed 12 weeks, between February 1, 2002 and the commencement date of the designated open period will also be considered active service:

a. Members who are paid on a daily or hourly basis must be receiving salary for the payroll period that includes February 1, 2002, and must continue in a consistent pattern of continuous part-time employment to the first day of the employer's open period.

b. Members serving in the National Guard or Reserve Units will be considered to be in active service for the purpose of determining their eligibility for the incentive.

c. Members whose employment has not been terminated and who are receiving payments from Workers' Compensation or other employer-funded disability benefits will be considered to be in active service for the purpose of qualifying for the incentive.

5. File an application (RS 6037-U) for service retirement with the New York State and Local Employees' Retirement System with a retirement date during the open period, no less than 14 days and no more than 90 days before the effective date of retirement.
6. File a statement, if appropriate, waiving the right to a separate, employer provided retirement incentive to which the member might have otherwise been entitled.
7. Provide written notice to his or her employer no later than 21 days before the end of the employer's open period, of interest in this plan.
8. Retire during the open period.

## Eligibility Requirements for Part B

To be eligible for the 2002 55/25 Benefit an employee must:

1. Be a member of the New York State and Local Employees' Retirement System.
2. Be at least age 55 on the effective date of retirement with at least 25 years of service credit, or otherwise eligible to retire.
3. Be on the payroll of the participating employer as of February 1, 2002 and continue in active service to the first day of the employer's open period.

**NOTE:** A leave of absence with pay will be considered active service. Approved leave without pay, not to exceed 12 weeks, between February 1, 2002 and the commencement date of the designated open period will also be considered active service:

- a. Members who are paid on a daily or hourly basis must be receiving salary for the payroll period that includes February 1, 2002, and must continue in a consistent pattern of continuous part-time employment to the first day of the employer's open period.
- b. Members serving in the National Guard or Reserve Units will be considered to be in active service for the purpose of determining their eligibility for the incentive.
- c. Members whose employment has not been terminated and who are receiving payments from Workers' Compensation or other employer-funded disability benefits will be considered to be in active service for the purpose of qualifying for the incentive.

4. File an application (RS 6037-U) for service retirement with the New York State and Local Employees' Retirement System with a retirement date during the open period, no less than 14 days and no more than 90 days before the effective date of retirement.
5. Retire during the open period.

## Participation Exclusions

Individuals serving in the following positions are specifically excluded from eligibility for the incentive benefit:

- Elected officials;
- Appointed members of agencies, boards or commissions of participating employers any of whose members are appointed by the Governor, or another State officer or body;
- Chief Administrative Officers of participating employers that participate in a teachers' retirement system;
- Acting village justices and judges or justices appointed to or serving in a court of record.



New York State and Local Retirement System  
 Employees' Retirement System  
 Police and Fire Retirement System  
 H. Carl McCall, State Comptroller  
 110 State Street, Albany, NY 12204

**Affidavit Pursuant to the  
 Retirement Incentive Program  
 Chapter 69, Laws of 2002**

http://www.osc.state.ny.us  
 Fax: 518-474-8357

State of New York  
 County of SULLIVAN

Employer Location Code : \_\_\_\_\_

JOHN J. LIGRECI, being duly sworn, deposes and says:  
 (Name of Chief Executive Officer)

1. That (s)he is the chief executive officer or appropriate official TOWN OF LUMBERLAND  
 (hereafter referred to as the employer.) (Name of Employer)
2. That, by action of its governing body, the employer has determined to provide a Retirement Incentive Program as authorized by Chapter 69, Laws of 2002.
3. That the employer does NOT provide a separate local retirement incentive program for  
 (Does/Does not) its eligible employees under a collective bargaining agreement or other arrangement. This refers to an employer-provided retirement incentive other than Chapter 69 of the Laws of 2002.

If you provide a local retirement incentive you must choose one of the choices below.

- a.  The employer elects to allow its employees to accept both the local and the State provided incentive.
- b.  The employer does not elect to make both the local and State provided incentive available. Then:
  1. (S)he will send to the Retirement System, by the commencement of the open period, a list of all employees eligible for the separate local retirement incentive who also meet the eligibility criteria for the Retirement Incentive provided by Chapter 69. The list will include the name, social security number and Retirement System registration number of each person.
  2. That (s)he will forward to the Retirement System copies of all waivers completed by employees eligible for a separate retirement incentive who elect the Retirement Incentive Program provided by Chapter 69.
4. That the employer will fund the Retirement Incentive Program provided by Chapter 69, Laws of 2002 by paying to the New York State and Local Employees Retirement System in five annual payments  
 (one or five) the amount of which shall be determined by the Retirement System Actuary, the first payment for which is due December 15, 2003.

[Signature]  
 (Signature of Chief Executive Officer)

Title SUPERVISOR

Sworn before me this 15 day of August, 2002 Christina Bodnaruk  
 Notary Public, State of New York  
 (Please affix stamp or seal)

**CHRISTINA BODNARUIK**  
 NOTARY PUBLIC, STATE OF NEW YORK  
 SULLIVAN COUNTY CLERKS #1465  
 COMMISSION EXPIRES Jan 31, 2006



(For Employers Empowered to Act by Local Law)

Sample of Local Law to Adopt the  
2002 Retirement Incentive Program  
(Chapter 69, Laws of 2002)

New York State and Local Retirement Systems Employees' Retirement System

H. Carl McCall, State Comptroller

110 State St., Albany, New York 12244

A LOCAL LAW electing a retirement incentive program as authorized by Chapter 69, Laws of 2002 for the eligible employees of the \_\_\_\_\_ *Employer's Name* \_\_\_\_\_  
\_\_\_\_\_ *Town of Lumberland* \_\_\_\_\_

BE IT ENACTED by the \_\_\_\_\_ *[Governing Board]* Town Board \_\_\_\_\_ of the  
\_\_\_\_\_ *[Employer's Name]* Town of Lumberland \_\_\_\_\_, as follows:

- §1. The <sup>Town of Lumberland</sup> \_\_\_\_\_ *[Employer's Name]* \_\_\_\_\_ hereby elects to provide all of its eligible employees with a retirement incentive program authorized by Chapter 69, Laws of 2002.
- §2. The commencement date of the retirement incentive program shall be<sup>1</sup> \_\_\_\_\_ *[Date]* ~~10/1/02~~
- §3. The open period during which eligible employees may retire and receive the additional retirement benefit, shall be<sup>2</sup> \_\_\_\_\_ *[Number of Days]* 90 days in length.
- §4. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum, or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the <sup>TOWN OF LUMBERLAND</sup> \_\_\_\_\_ *[Employer's name]* \_\_\_\_\_  
- for each employee who receives the retirement benefits payable under this local law.
- §5. This act shall take effect<sup>3</sup> <sup>August 14, 2002</sup> \_\_\_\_\_ *[Date]* \_\_\_\_\_.

**NOTE:** A copy of the Local Law, certified by the New York State Secretary of State, must be submitted to the Retirement System before the 2002 Local Government Retirement Incentive can be effective.

<sup>1</sup> Must be no later than 12/02/2002

<sup>2</sup> May be **no less than 30** and **no more than 90** days in duration and **may not extend beyond 12/31/2002**

<sup>3</sup> Must be enacted on or before 09/03/2002

TOWN OF LUMBERLAND  
OFFICE OF THE ATTORNEY FOR THE TOWN

BRIAN T. EDWARDS, ESQ.  
13 LIBERTY STREET - P.O. DRAWER 1040  
MONTICELLO, NEW YORK 12701  
(845) 794-5000  
FAX (845) 794-5606

September 16, 2002

NYS Department of State  
State Records and Law Bureau  
162 Washington Avenue  
Albany, NY 12232

Re: Town of Lumberland (County of Sullivan)  
Local Law #4 for 2002

Dear Sir or Madam:

Please be advised that the undersigned is the attorney for the Town of Lumberland. Enclosed herewith please find one certified copy of Local Law #4 for the year 2002.

Should you require anything further from the undersigned relative to the filing of this Local Law, please do not hesitate to contact the undersigned.

Very truly yours,

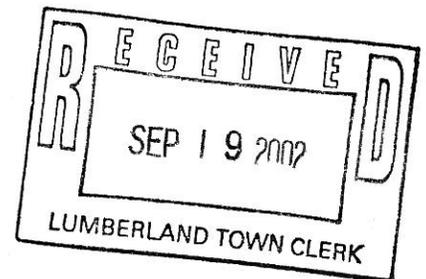
BRIAN T. EDWARDS

BTE/pas  
3263-039

Encls.

cc: Town of Lumberland (w/ encl.)  
Att.: Virginia, Town Clerk  
PO Box 417  
Glen Spey, NY 12737

via: Certified Mail - Return Receipt Requested



**Local Law Filing**

NEW YORK STATE DEPARTMENT OF STAT  
162 WASHINGTON AVENUE, ALBANY, NY 1223

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  
City  
Town of ..... Lumberland .....  
Village

Local Law No. .... #4 ..... of the year 2002

A local law .....entitled...Subdivision Local Law #3-1998 Amendment.....  
(Insert Title)

Be it enacted by the ..... Town Board .....of the  
(Name of Legislative Body)

County  
City  
Town of ..... Town of Lumberland ..... as follows:  
Village

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. #4 of 2002 of the (County)(City)(Town)(Village) of Lumberland was duly passed by the Town Board on September 11, 2002, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body) (Elective Chief Executive Officer\*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body) (Elective Chief Executive Officer\*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body) (Elective Chief Executive Officer\*)

Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

*Nigeria V. Harris*  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

Date: *September 11, 2002*

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Sullivan

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*Brian J. Edwards*  
Signature

*Attorney for the*  
Title

~~xCounty~~  
~~xCity~~ of Lumberland  
Town  
~~xVillage~~

Date: *9/13/02*

**Town of Lumberland Subdivision Law  
Proposed Amendment**

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The Town of Lumberland Subdivision law is hereby amended to read as follows:

- 4.3.10 All lots shall front on a public or private street (existing or proposed) and have a minimum of one hundred (100) feet of frontage. The maximum number of lots on a private street shall be determined in accordance with the provisions of subdivisions A and B set forth below. Evidence of satisfactory shared arrangements for ownership and maintenance of the drive shall also be provided. The private drive shall be constructed of asphalt, concrete or macadam and have a minimum width of twenty (20) feet. A cul-de-sac shall be required at the terminus of the private drive and shall have a width of at least one hundred twenty-five (125) feet.
- A. A private drive of 700 feet or less may provide access for up to five lots.
- B. A private drive of more than 700 feet may provide for access to more than five lots. The number of lots which may be serviced by a private drive of more than 700 feet shall be in the discretion of the Planning Board, provided that the number of lots does not proportionately exceed five for every 700 feet of private drive. Any private drive of more than 700 feet shall be built, in its entirety, up to then current Town Highway specifications.